War Hero *A Short Story by Ward Just*

THE NEW REPUBLIC

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Has Nixon Had It?

The cancer (to use John Dean's imagery) has spread from the Nixon campaign organization to vital parts of his administration and even to the President's personal finances. No one at this stage can confidently predict whether the malignancy can be arrested or is terminal. The President continues to plead ignorance of plans to rob and bug Democratic Party headquarters, though the crime was sponsored and financed by his reelection committee. "My own information . . ." he said on May 22, "is fragmentary and to some extent contradictory." He asserts that he did not investigate the thievery and snooping until March 21 of this year—nine months after the event. Until then, he says, he depended on "Mr. Dean's investigation"—depended on Mr. Dean, it now appears, not to uncover the truth but to discover how to handle what his associates repeatedly refer to as "the problem." The problem was how to clear "everyone then employed by the White House of involvement." They had to be laundered miracle-white. If there were White House "horror stories" (as John Mitchell characterized them last week), the President had not heard them; he was too busy running the country to be bothered by details of his campaign for reelection. And if he had . . . (Continued on page 5)

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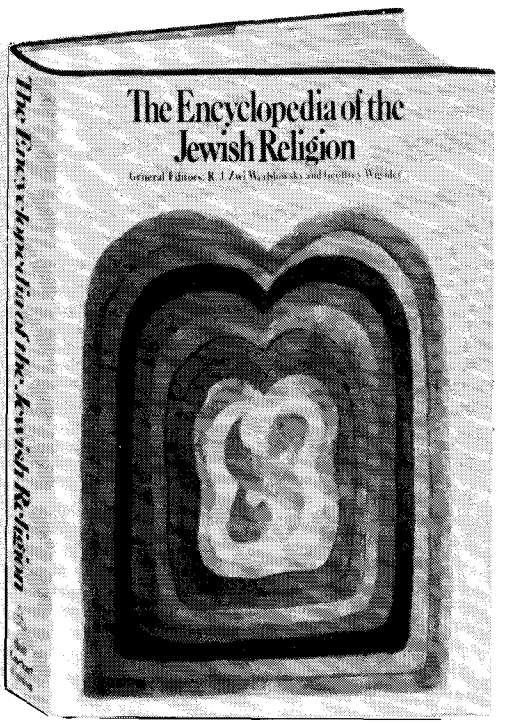
Did you know that the Bar Mitzvah ceremony is unknown in the Bible and Talmud? (see page 57) That Judaism frowns on celibacy? (see page 81) That the mystical Kabbalah has doctrines in common with Hinduism? (see page 389)



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Here is the contrast between Jewish and Christian viewpoints on sex and marriage, body and soul (flesh isn't "evil" in Judaism; see page 365). All the multitudinous sects and rites of Judaism through four millennia are included... Ashkenazi and Sephardi... Orthodox, Conservative and Reform... the priestly Sadducees and their rabbinical rivals, the Pharisees (whose philosophy pervades the New Testament that denounces them)... The Qumran Community, where the Dead Sea Scrolls were written by Jews who awaited not just one Messiah but two. Here are the hidden Jews who lived for centuries in Persia disguised as Moslems and in Portugal and Majorca disguised as Catholics ... the dancing Hasidim, who still wear the formal costume of medieval Polish noblemen. Do you know what makes kosher wine kosher? See page 115. Does Judaism permit therapeutic abortion? See page 4.

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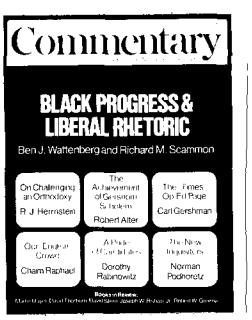

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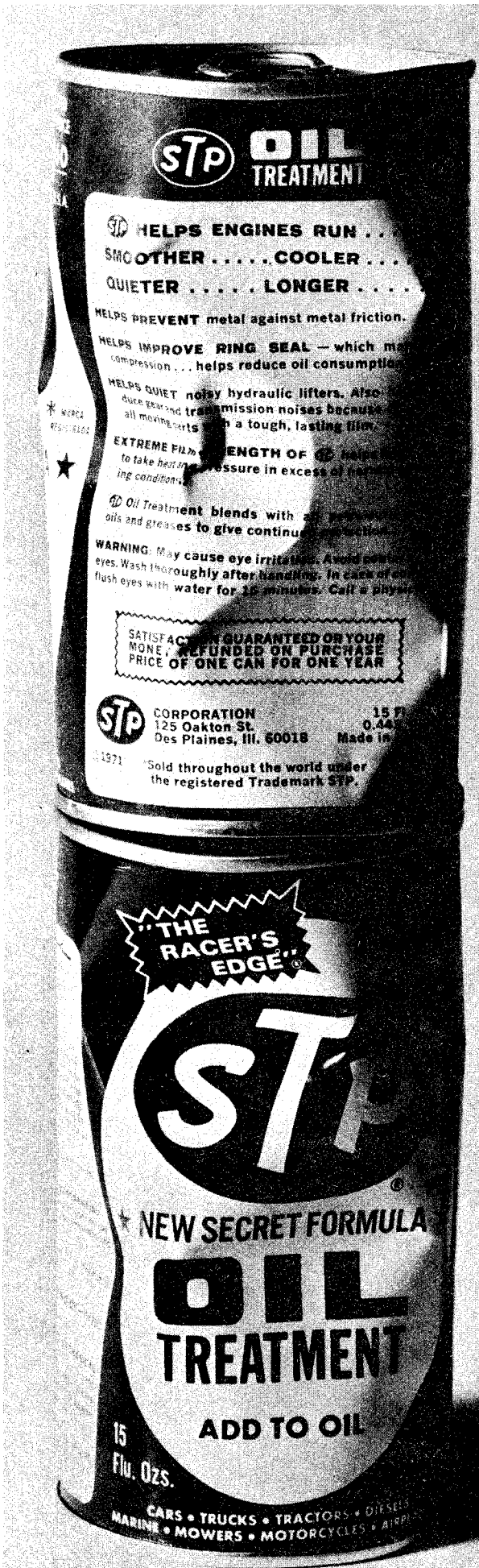
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TRB

from Washington
July 21, 1973

Give Us This Day

If you think food prices are ever coming down to where they were in the '60s, they aren't; forget it. That's because the world is going through one of the greatest economic changes in history.

For one thing the Great Protein War has started, and it will last as long as we can see. It's filled with ironies: well-fed nations are scrambling to eat better, and hungry nations to eat at all. Just as the US discovers that it must import oil or see its cars stall, poorer nations with expanding populations discover they must import food or starve. When we get this sorted out the world will be a different place.

Right now probably a third of the 3.6 billion people on earth go to bed hungry at night. Population is zooming. And the Protein War has started, which means stiffer competition for available food supplies. There is restlessness even in well-off countries (the northern tier of industrial nations in Europe, including the Soviets, as well as Japan). The United States is richest, of course, but its lead has shrunk surprisingly with the devaluation of the dollar. On some technical counts West Germany and Sweden suddenly have a higher wealth per person than the US. They are bidding up world food prices and you see the result in the supermarket. It will take time to get used to these changed relationships because political concepts lag a decade or so behind economic realities.

This is terrible news for the have-not nations. Higher world food prices come for some of them just as their populations go over the critical point, when a failed monsoon may turn hunger to famine. Lester R. Brown of the Overseas Development Council, an authority on food, says the level of world reserves in comparison to demand is now far below any time in modern history. The war for protein is under way. It comes now in meat or soybeans. People can live on starchy foods for a while; they can survive on bananas. But ultimately they need protein.

It's a question whether the people who manage our affairs in Washington are competent to handle the situation now developing, or whether they have any concept of it. You would think they would guess right once in a while but they never seem to. Here are examples.

Last January President Nixon issued his annual economic report and his advisers offered this extraordinary boast (page 63): "By the end of 1972 the American anti-inflation policy had become the marvel of the rest of the world. Largely because of this change the rest of the world is willing to hold increasing amounts of dollars." Six months later the "marvel" of the "anti-inflationary" dollar has produced a world crisis.

Here's another example. Russia last year had a bad harvest and the US grain surplus was the only one in the world. Moscow was in and out of the American market with a purchase of 16 million tons of our wheat and feed grains before the bumbling Department of Agriculture could wink (though the big grain exporters knew what was happening). We actually paid export subsidies to help Moscow grab one-quarter of our entire wheat crop off cheap; the best example of the US playing Santa Claus since the Marshall Plan. Of course it kept US farmers happy for Mr. Nixon's reelection. We held the price of wheat for the Russians at about $1.65 a bushel and it has since risen in the US to about $3. You can see the result in the supermarket.

Americans like to get their protein in the form of a sizzling steak. The cattle are fattened on grain; in meat, milk and eggs we consume about a ton of grain per person in a year. The have-not countries can't afford that luxury; they rarely get meat at all, and use grain directly, around 400 pounds per person per year. As the Protein War goes on the US will probably eat less meat too. The amazing soybean is the cheapest and richest source of protein; three-quarters of the world's crop is grown in the US. The price of soybean meal has increased four times in 18 months.

This reporter has a romantic feeling about farming; somebody should write a poem to that black, rich humus in Iowa that goes down 10 feet or more. (On my grandfather's farm in New Hampshire, the topsoil in places went down about an inch before you hit granite.) Well, the US will export $10 billion worth of wheat, corn, soybeans and other foods this year from that soil. It is one of the few places where the US has a big competitive advantage. The administration slapped a temporary embargo on export of crops to curb food prices at home, but it hardly seems possible that restrictions can last; food exports are needed to meet the balance-of-payments deficit.

Will the US donate enough food to keep the teeming have-not masses alive if a famine comes in the Protein War? Of course not. It probably lacks the power even if it wanted to. America will wring its hands and no doubt undertake worthy charitable operations. But today's situation is unique in several respects, the "green revolution" of miracle wheat and rice seems about played out; America's 50 million acres of reserve cropland are now pretty largely in production and the world catch of table-grade fish, according to some marine biologists, is close to the maximum sustainable limit, which is why maritime countries are rushing to extend offshore boundaries. Of course new sources of protein may be discovered or new lands opened up, but just at present the outlook is grim.

Studies in Congress show that the United States has a lot of hungry people within its own borders. Some 24.5 million are officially designated "poor" (*i.e.*, "yearly income less than three times the cost of minimal diet"). They could use more protein, too. Income distribution in America is violently unequal. A CBS documentary on the social security system last month contrasted one aspect of this with the situation in Germany; in Germany, for example, people get the equivalent of 100 percent free health care compared to only about 42 percent in America. Mr. Nixon and HEW Secretary Caspar Weinberger think the American ratio is too high and should be cut back to save the dollar.

The odd thing is that it's the dollar that's in trouble in the world, and it's the German mark, supporting all the German social welfare programs, that is the strongest anywhere. Something is screwy here, somewhere.

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Has Nixon Had It?

I heard them, they could not have been that horrible, since his top aides were honorable men. Yes, Mr. Nixon conceded in May, in the interest of national security he had sought to limit the initial FBI investigation, because "elements of the early post-Watergate reports led me to suspect, incorrectly, that the CIA had been in some way involved." He has yet to identify the "elements," or who "advised that there was a possibility of CIA involvement in some way." "At no time," the President flatly stated, "did I authorize or know about any offer of executive clemency for the Watergate defendants. Neither did I know until the time of my own investigation of any efforts to provide them with funds." Can it be so? Is this the Victorian virgin, guarded by good and true servitors from any knowledge of the seamier side of life? John Dean has described talks with the President that contradict this claim of innocence. According to Dean both clemency and hush money were discussed with Mr. Nixon before the President began his own inquiry. But then Mr. Dean, too, was part of the plot and his testimony will doubtless be disputed by former White House aides H. R. Haldeman and John Ehrlichman—as it has been by John Mitchell.

But can it be disputed that for months before and after Watergate, for months during and after his election campaign, the President while publicly denying any familiarity with the evil around him, failed to uphold the law—in this case the law against bugging—and that he watched the FBI and Justice Department investigations from the sidelines, as if he were a disinterested spectator rather than captain of the team? And can it be disputed that the President—self-described as "shocked"—could and should over a year ago have demanded the truth from John Mitchell, John Dean, Jeb Magruder, H. R. Haldeman—even convicted Watergate conspirator G. Gordon Liddy, counsel to his reelection committee? "You do not lie in the Oval Office," Dean told the Ervin committee. The evidence is strong that the President did not demand the truth. Did he know it already?

No he did not, John Mitchell insists, nor could he be told of illegal maneuvers by his closest advisers, because if he had known he "would have lowered the boom" on the offenders thereby endangering his election and later his second term. That is a fascinating, cynical comment on the American public, assuming as it does that the

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voters would have punished the President for punishing wrongdoing. However the President lowered no boom on March 21, 1973, nor did he thereafter when he *did* learn some ugly truths. Two weeks after being briefed by Justice Department officials on the cover-up by Haldeman and Ehrlichman, he choked up on national television while deploring their resignations —not firings—and praised their public service.

If the cancer had been confined to Watergate, the prognosis for the President's survival would have been fair to good. But it had spread throughout the system long before that. In July 1970, President Nixon had approved a secret scheme for stepped-up domestic snooping by a newly established interagency group on which all US intelligence organizations were represented. The documentation of these undercover, illegal activities was carted off by John Dean when he left the White House. Among the operations authorized in the plan was surreptitious entry—better known as burglary. This Gestapo-like plan, according to the President, was "unused" and his "approval had been rescinded" five days after he gave it. But Senator Ervin, who asked for proof of that rescinding order, has not yet got it.

Other horrors have come to light which lead back to the President and to that July 1970 plan. One is the burglary in September 1971 of Daniel Ellsberg's psychiatrist's office, carried out under the direction of a special White House investigation unit Mr. Nixon had set up "to stop security leaks and to investigate other sensitive security matters." What this gang did beyond the Ellsberg job has yet to be revealed. Those "other sensitive security matters," John Mitchell says, may have included spiriting ITT Washington lobbyist Dita Beard out of town when her startling memo was published, plotting to firebomb the Brookings Institution to cover up a theft of documents, and forging diplomatic cables that could tie John F. Kennedy to the murder of Vietnamese President Diem. The effort to concoct the phony cables was, Mr. Nixon reported, simply part of a project to compile "an accurate record of events related to the Vietnam war in which the Government's records were inaccurate."

The President's handling of the Ellsberg burglary deserves a separate word. "I did not authorize," he said on May 22, "and had no knowledge of any illegal means to be used . . ." by the unit. Yet Elliot Richardson, during his Senate confirmation hearings as attorney general, confirmed the existence of a White House log showing that *as early as March 17*, the President had been told about the Ellsberg burglary, at which time the Ellsberg trial, Judge Matthew Byrne presiding, was underway. What did the lawyer-President do with the knowledge he had? At first nothing. Then on April 5, at a secret meeting, the White House sounded out Judge Byrne on the possibility of his heading the FBI. A month later the President called the assistant attorney general in charge of the case and "directed [him] to pursue every issue involving Watergate . . . and to stay out of national security matters." One week after that, Attorney General Richard Kleindeinst insisted that evidence of the Ellsberg break-in (in the possession of the grand jury) be sent to Judge Byrne. Why hadn't the President appreciated the need to do that when he first learned of the entry a month earlier? When the Ellsberg burglary story first broke, he had wrapped it in the flag, calmly passing off the crime as performed by "highly motivated individuals" who were doubtless moved by "the emphasis I put on the crucial importance of protecting the national security." The illegal wiretaps undertaken by the White House's own buggers have never drawn presidential comment.

Then there were those wiretaps placed at Mr. Nixon's direction on phones of Henry Kissinger's National Security Council staff and those of a handful of newsmen. When the existence of the taps, which ran from April 1969 to February 1971, was reported by *Time* on February 23, the White House issued an absolute denial although it had to know the story was true. Among those bugged was Morton Halperin, formerly of Harvard and of the Kissinger staff, and a key witness at the Ellsberg trial. Ellsberg himself was heard speaking on a Halperin tap. Judge Byrne had asked that all wiretap information be reported to him. Did the President or his staff—knowing of taps—make the required report to Judge Byrne? Not willingly and not promptly. It took a special FBI investigation by temporary FBI Director William Ruckelshaus to ferret out the records. They were in the office of John Ehrlichman.

And what of the President's handling of L. Patrick Gray III, his nominee as FBI director? On April 15 this year, according to a sworn deposition by Ehrlichman, he and the President learned Gray had destroyed evidence taken from the White House safe of convicted conspirator E. Howard Hunt. The President did nothing. Twelve days later, when news stories reported Gray's actions, the hapless acting director resigned. Later the White House sought to make it appear that he had been fired. Why didn't the President fire Gray on April 15?

Finally the Watergate disclosures have opened up to public view another, more golden vista where nobody is short of cash for long. How those bundles of Republican money were casually, unaccountably passed around! And always in the service of some greater good. Had they all read Mr. Dooley: "If ye'd turn on the gas in th' darkest heart ye'd find it had good raison for the worst things it done, a good varchous raison, like needin' the money or punishin' the wicked or tachin' people a lesson to be more careful, or protectin' the liberties iv mankind, or needin' the money." The unreported cash contribution of $200,000 for Nixon's reelection by beleaguered financier Robert Vesco has resulted in indictments of Stans and Mitchell, speculation about the Vesco connections of the President's

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nephew, and the resignation of a newly appointed chairman of the Securities and Exchange Commission. In addition there's the mystery of presidential concealment of the early contributor list—a typed record of those who made sizable donations totaling some $20 million to the President's campaign prior to April 7, 1972, when a stiff, new reporting law went into effect. Common Cause filed a law suit to force disclosure of the donations. The General Accounting Office, following up a lead that unreported cash contributions had found their way into a Watergate conspirator's bank account after April 7, also sought the list. Both the GAO and Common Cause were told by Nixon finance chairman Maurice Stans that the list had been destroyed. On the contrary it was recently discovered in the possession of the President's personal assistant, Miss Rosemary Woods.

In a manner reminiscent of the Watergate story itself, other facts are surfacing on how the President acquired homes in California and Florida valued at more than $2 million. We have yet to find out how and why the President's friend, Mr. Abplanalp, put up $625,000 to help purchase San Clemente, then apparently bought part of the property back through an investment company whose name is still unknown. And we have yet to learn the details of Abplanalp's purchase of a Key Biscayne home adjoining the President's, followed by his renting that same home to the government for eight years at $1500 a month—an amount that will return him his total purchase price by 1976. There are also unanswered questions about government payments for improvements to the Nixon properties—from tree trimming to pool heaters to furnace replacements. The President's staff was recently asked who paid for a new bowling alley in the White House. After delays, they announced it was the gift of the President's fishing friend, Charles (Bebe) Rebozo. The same Mr. Rebozo purchased the home in Washington that is leased to Nixon's daughter and son-in-law.

In March 1969, Congress changed the tax laws governing deductions that can be taken for contributing personal papers or works of art to museums and universities. Nixon staff members fought that amendment, but while Congress was debating it the President tried to make a final gift of his papers, books and other material on which he appears to have taken a deduction of at least $230,000—applicable to his taxes over five years. It was later disclosed that no deed to the papers had been signed by the President. The Internal Revenue Service usually is quite sticky with taxpayers on such matters, but it evidently overlooked not only the lack of a signature, but the late filing of papers describing exactly what gift had been given.

When everything else failed, John Dean told the Senators, he decided that the truth was the only thing that would "sell." Is it too late for the President to risk that last, desperate remedy?

The Money Tap

The illicit American Airlines contribution to the 1972 Nixon campaign fits right into the pattern of laundered money, unreported gifts and large cash stashes. According to the Finance Committee to Re-elect the President, American illegally donated $55,000 of company funds, whereas all the committee had in mind was $100,000 from wealthy executives and stockholders. But American Airlines board chairman George Spater kept blurring this distinction, misinterpreting GOP pressure on businesses to contribute heavily to stave off possible government reprisals. At stake for American Airlines was a lucrative merger plan that its main competitor United opposed. Mr. Spater seems to have thought he was piling up "political credit" by responding to solicitations from Herbert Kalmbach, attorney for the President and United Airlines. A few months later the Civil Aeronautics Board turned down the merger.

Attempting to restrain such opportunities for corporate manipulation of government, Congress in 1925 prohibited the donation of corporate funds to political candidates. As Spater pointed out, however, the banning of corporate gifts has failed to prevent improprieties and abuses of power. Voluntary contributions (albeit encouraged) from individuals or from an "independent fund" clearly identified with a particular corporation can serve the same purpose as direct corporate gifts. Three dairy cooperatives forked over $317,000 to CREEP in 1971. Though these cooperatives can legally collect campaign-destined money from anyone, disassociating Mid-America Dairymen, Associated Milk Producers and Dairymen, Inc. from the dairy industry requires some ingenuity. The Department of Agriculture's decision later in 1971 to reverse itself and allow milk price supports to rise does not refute the inference that the dairy "investment" paid off. More recently a consortium of three Houston companies with oil, gas production pipeline interests negotiated a multibillion dollar gas contract with the Soviet Union. Executives of the companies had made sizable cash gifts to the Nixon campaign.

Unions are similarly barred from making political contributions of internal funds. By comparison to corporations, the unions have been prosecuted for this violation more frequently. The criminal fraud section of the Justice Department acknowledges that corporations can circumvent the restriction rather easily. Although direct company reimbursement of individual political contributions is also illegal, "few corporations are naive enough to do this," explained one attorney for the fraud section. Because it's hard to prove that individuals' salaries are set at particular levels to cover campaign contributions, the Justice Department has never been able to prosecute suspected reimbursement schemes, although it has investigated several of them.

The most effective way to control these abusive

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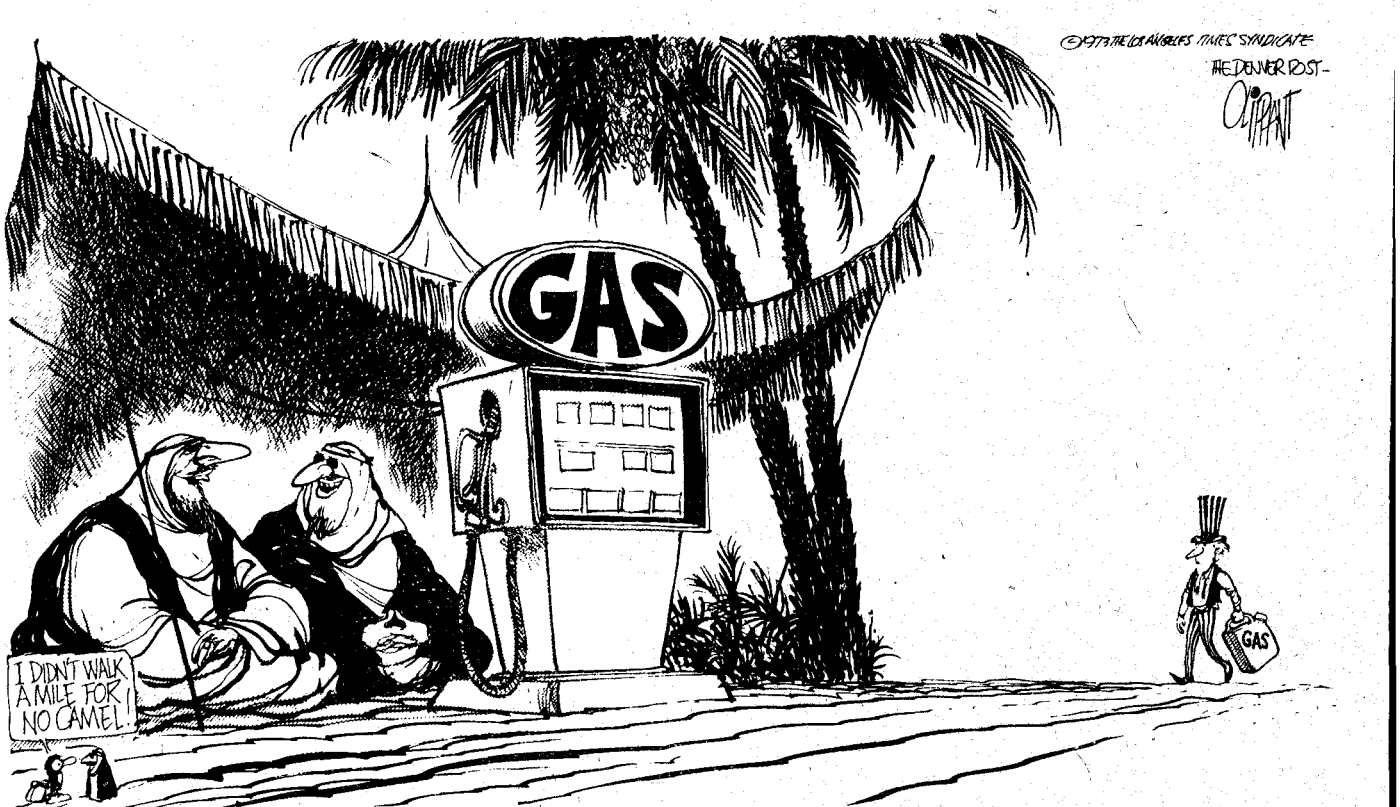
practices is to limit the amount of individual donations. Otherwise enforcement of the prohibitions on corporations can only apprehend the most blatant violators. In 1971 Common Cause urged passage of a bill limiting individual contributions to $10,000 for presidential candidates, $5000 for Senate candidates and $2500 for House candidates, but the measure died early in the Senate. Later this month the Senate Rules Committee is expected to report out a considerably less stringent bill setting the ceilings at $5000 for candidates for the House or Senate and $15,000 for President. Primaries, runoffs and general elections can be counted separately when applying the ceiling as long as the individual and his immediate family adhere to an overall annual limit of $100,000 for campaign contributions. The $100,000 restriction wouldn't hold for committees and other contributory organizations that corporations and unions are still free to create. It's half a loaf, but better than a stone.

Oil Substitutes

This summer's gasoline shortage has made us think about new ways to power old machines. It has shown that we needn't be entirely dependent on Arab oil. Experts have been brought before the cameras to explain the mechanics of wind-powered electricity, geothermal steam engines, nuclear fusion reactors and solar electric systems and to assure us that even with scarce oil and gas there will be enough energy for all. Never have futurists had such a receptive audience nor the enemies of oil such a chance to make headlines. Even the White House has perked up to possible alternatives to oil and gas. There is to be an energy policy office in the White House, with Colorado Governor John Love as its first director, and Mr. Nixon wants Congress to create a new Department of Energy and Natural Resources that will take jurisdiction over all energy control and planning. He also intends to create an Energy Research Administration to process federal grants, including work now sponsored by the Atomic Energy Commission. Finally the President wants to raise research funding by $10 billion over the next five years, beginning with an immediate $100 million boost.

"It is clear," the President said, "that the answer to our long-term needs lies in developing new forms of energy." The bulk of the experimental research money, however, at least for next year, will be directed to exploiting old resources, chiefly coal. The President decided this partly because experiments with coal promise the quickest, practical returns, and partly because coal is our most plentiful fuel. The other new energy resource receiving heavy government support is nuclear electric power. Despite many setbacks the AEC still predicts that nuclear reactors will supply 44 percent of the nation's electricity by 1990. Funding for research is $293 million for this year and will go up to about $321 million in 1974. The Office of Coal Research plans to spend about $43 million this year and may get a budget of $62 million in 1974.



'We could offer to rent him a camel!'

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Although coal and nuclear power are capable of supplying our electric if not all our energy needs for centuries, it would be a mistake to latch onto these sources as the best hope for the future. They ought to be seen as temporary energy sources to carry us along while purer systems are developed.

By esthetic and scientific standards, the purest energy available comes directly from the sun, and this month in Paris about 900 scientists met in an international conference to discuss what has been accomplished in solar energy research and what practical use has been found for it. The United States has been less interested in commercial solar power than Russia, Japan, Australia and Israel. In the last three of these, for example, many houses now have solar hot water heaters, the most primitive use for solar energy, but nevertheless one not yet exploited in the US. The new energy research budget attempts to remedy this backwardness by tripling solar research funds from $3.8 million this year to $12.2 million by 1974. Though a sizable increase, it's not much compared to the $772 million requested for all energy research, nor does it approach the figure scientists would like to spend. A joint panel of National Science Foundation and National Aeronautics and Space Administration experts recommend spending between $1.5 and $3.5 billion in the next 15 years to develop solar power. The professor in charge of solar research at the University of Arizona, where work is being done on electric generators powered by solar heat, believes that we could have large solar powered plants by 1985 if we want them enough.

Contrary to what one might guess, solar power is not fantastically expensive, particularly when it is used to run heating and cooling systems. The NSF/NASA report says that solar space heating—using water pipes that circulate heat from the roof throughout the house—is already competitive with electric heat in most parts of the country, and in some places it may be cheaper than oil. If the prices for natural gas and oil were to increase by 100 percent, solar heating would become immediately competitive in almost every part of the country. The cost of electricity from solar generating plants would be about three times the price of electricity from other sources. With improved technology it would be cheaper. These calculations do not include the fact that solar energy, unlike all others, is totally nonpolluting. Since we do not include the cost of restoring the land in the price of strip-mined coal, for example, the comparison between the price of coal, electricity and solar power is not correct. Similarly there is no way of calculating the damage done by thermal pollution, which is a side effect of using any type of energy except solar. Nor is there a way of measuring the cost of potential harm done by nuclear reactors, which may soon turn out a more deadly by-product in greater volumes than any factory in operation.

Kid Gloves

Although the Central Intelligence Agency has been "exposed" time and again in books, newspapers, magazines and on television, its budget has never been officially disclosed; its organizational structure and projects are classified; and the names of its estimated 16,000 employees are secret. The extent and nature of its activities in such places as Laos, Iran and Chile are unknown. Equally obscure is the degree to which, by its association with the accumulation of scandals labeled Watergate, it has violated the law barring it from domestic operations. So there was a rare opportunity for enlightenment the other day when, in an unprecedented move, William Egan Colby openly appeared before the Senate Armed Services Committee to testify on his nomination as the new CIA director. Originally advertised as an "in depth" examination, it barely scratched the surface. Despite all the talk in Congress over the years for stricter surveillance of the CIA, only one of the committee's 15 members, Senator Stuart Symington (D, Mo.), ignored the summer recess and attended the hearing. And Symington's 90-minute interrogation was so mild it might have been prearranged by the agency's public relations bureau.

Symington prompted a denial by Colby of charges that the CIA had "engineered" the 1967 coup in Greece. But the senator did not press for details when Colby ducked answering whether Greek President-designate George Papadopoulos was ever on the agency payroll. Nor did he pose any questions about John Maury, the CIA station chief in Athens at the time of the coup, who sat next to Colby during the session in his present capacity as the agency's congressional liaison man. Similarly Symington elicited Colby's denial that the CIA had been connected with the ouster of Prince Norodom Sihanouk as Cambodian chief of state in 1970. But he did not ask Colby to explain the involvement of an agency operative by the name of Victor Matsui, now serving in the Ivory Coast, in an abortive attempt to overthrow Sihanouk in 1959. As for the CIA's considerable role in running the covert war in Laos, Symington rather blandly accepted Colby's explanation that the United States could not have become engaged in that country except in a clandestine manner. While stating that the agency is "unlikely" to become involved in another Laotian-type operation, Colby nevertheless pointed out that the National Security Act of 1947 authorizes the CIA to go beyond its intelligence capability "to perform such other functions and duties affecting national security as the National Security Council may direct."

Citing another passage of the 1947 act that bars the CIA from exercising "police, subpoena, law enforcement powers or internal security functions," Colby affirmed that the agency would not engage in domestic espionage; if necessary he would even quit his job rather than carry out instructions that he deemed to be

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illegal. But under Symington's flaccid questioning Colby carved out loopholes large enough to justify a number of dubious operations. He conceded that it had been a "mistake" for the CIA to provide Watergate conspirator E. Howard Hunt, Jr., with the equipment to burglarize the office of Daniel Ellsberg's psychiatrist. And except to examine applicants for agency jobs, he would not prepare the kind of "psychological profile" that had been done on Ellsberg. Yet he declined to pledge that "we will never give any other agency of the United States government help which it might use in its responsibilities." Moreover he could envisage a situation in which "it would be appropriate" for the CIA to help a White House official "without its coming to public notice." Symington never even raised a question about the July 1970 domestic intelligence-gathering plan under which the CIA would keep tabs on Americans abroad.

It may be that Colby will be more circumspect than his predecessors. But judging from his testimony there is nothing except the agency director's sense of propriety to restrain a President from turning the CIA into an American version of the Soviet KGB. It is more urgent than ever that the Congress find ways to control the agency that are more effective than the present oversight arrangement, which is virtually moribund. The Colby hearing suggests, however, that congressional concern about the CIA and the rest of the intelligence community is more rhetorical than real, and that the agency will continue to be accountable only to itself and the White House.

Keep 'Em Flying

On June 29, taking it in that an open clash with the Congress would only aggravate his Watergate woes, the President conceded to a face-saving compromise: he would halt the bombings of Cambodia by mid-August if Congress, which had denied him appropriations, would vote the funds to keep the government going. With that, administration officials suddenly put out the word that "diplomatic irons were in the fire"; a negotiated settlement of the Cambodian conflict, if not in hand, was within reach. One of these officials, sensitive to the administration's wounded credibility, insisted that the mysteriously "delicate" diplomatic initiatives were not a "flim-flam." Nevertheless the big question is still whether the President's vaunted quest for peace in Cambodia is more than a tactic designed to buy him the time to devise other ways to continue a war he is primarily responsible for having started three years ago.

Hardly had the mid-August deadline been fixed than William Beecher, deputy assistant secretary for public affairs at the Pentagon, disclosed that US air strikes against the Cambodian insurgents had increased significantly. Bombing by F-111s, F-4s and A-7s rose above the record February peak without the knowledge of the Congress, before it set the compromise cut-off date. And a few days after the vote, Defense Secretary James R. Schlesinger said that it was "quite possible" that the administration might seek an extension of the deadline if the Phnompenh government headed by Lon Nol comes closer to collapsing. The administration still views bombing as a means of propping up a regime that is corroded from within by corruption and ineptitude.

Meanwhile administration spokesmen have let it be known that the President and his foreign affairs adviser, Henry Kissinger, are hopeful that they can persuade their Chinese and Soviet friends to cooperate in achieving a Cambodian cease-fire. Underlying this approach is Kissinger's basic belief that the major powers can exert decisive influence on local belligerents engaged in a civil war. But this maneuver may be more an attempt to demonstrate that the administration is making an effort to end the conflict than it is a plausible avenue to a settlement.

One of the peculiarities in all this is that the administration did virtually nothing to search for peace in Cambodia until it was confronted by the congressional challenge. In an interview printed in these pages in May, Prince Norodom Sihanouk was quoted as telling Stanley Karnow that Kissinger had twice rejected his invitation for talks, the last time as recently as February. The administration has since softened its attitude toward Sihanouk, and Kissinger, who is scheduled to visit Peking next month, now hopes to see him. But Sihanouk, who certainly speaks for the Cambodian insurgents even though he may not command them, said the other day that he would not meet with Kissinger. With a touch of arrogance Kissinger replied that he considered a Sihanouk rebuff "almost inconceivable." It may not matter, for at this late stage there is no reason to believe that an encounter between the Prince and the Professor would be fruitful.

The Cambodian insurgents have flourished spectacularly since the war erupted. Samuel A. Adams, a former Central Intelligence Agency specialist, estimates their forces to number more than 100,000. They control nearly the entire countryside. Moreover, as Adams submits, they are neither Chinese nor North Vietnamese puppets, though they are aided by Peking and Hanoi. It is therefore unlikely that they would accept a settlement by the middle of August, unless they are guaranteed at least the key portfolios in a new Phnompenh government. And it is equally unlikely that they will be prodded into a settlement by the Chinese and North Vietnamese, who appreciate that they would suffer irreparable damage in the eyes of other Cambodian parties if they abandoned their Cambodian allies. Or as Sihanouk told a reporter not long ago: "I can assure you that neither Hanoi nor

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Peking would dare to put pressure on us for a political solution. They would not even suggest that we negotiate."

Should the US bombing stop on August 15, the insurgents can be expected to block the Mekong River lifeline to Phnompenh and then proceed to take the Cambodian capital. That may prompt South Vietnamese President Nguyen Van Thieu to intervene with troops and air support in order to protect his western flank, and his action might be matched by the intervention of Thai "volunteers" or regular units. In that event the Paris agreements would be burned up in the flames of a fresh Indochina conflagration. Should President Nixon renege on the bombing halt it would plunge him into another bitter constitutional controversy over whether he or the Congress has the authority to employ American armed force abroad. Just as Lyndon Johnson was defeated by the Tet Offensive in Vietnam, so Richard Nixon could be defeated on the battlefields of Cambodia.

Reading the Riot Act

A little-reported statistic about the Wounded Knee occupation this spring is that at least 50 young people were arrested in various places for violation of the heretofore little-used "Rap Brown" act, the anti-riot provision which was appended as a rider to the Civil Rights Act, and which became federal law when Lyndon Johnson signed the bill on April 11, 1968. The core of the Riot Act is Section 2101 of Title 18: "Whoever travels in interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent—A) to incite a riot; or B) to organize, promote, encourage, participate in, or carry on a riot; or C) to commit any act of violence in furtherance of a riot; or D) to aid or abet any person in inciting or participating in, or carrying on a riot or commiting any act of violence in furtherance of a riot; and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for such purpose . . . [s]hall be fined not more than $10,000 or imprisoned not more than five years [or] both. . . ."

When Strom Thurmond introduced the rider to the Senate in April 1968, he made its purpose clear: "The government must be empowered to deal firmly and actively with those harbingers of anarchy who undoubtedly contributed substantially to the tragedies of our cities. This amendment would accomplish that purpose. Individuals who fly from city to city inciting to riot could be arrested and dealt with firmly under the law." What remains to be clarified by the courts is what safeguards remain for those whose intentions—regardless of their actions—represent potential trouble for government officials.

On Saturday March 17, 16 young people, including 12 Indians and a lone woman, set out from Los Angeles to take food and clothing to Indians at Wounded Knee. As they approached Las Vegas, Nevada, the group was arrested. Thirteen of the 16 were charged with crossing state lines in violation of the Riot Act, and though charges were later dropped the purpose of federal officials had been accomplished: no arms or other contraband were found in the group's possession. There was no reason to believe that the group's intention was anything other than showing up in South Dakota with food, clothing and medicine. But they were stopped and turned back.

A week later, on March 23, there were six arrests in Oregon as another group made its way to South Dakota in a U-Haul truck, taking supplies to South Dakota "for the Indians." According to an FBI complaint signed by agent Richard F. Robert, the defendants "did knowingly and wilfully perform and attempt to perform the following . . . overt acts for the purpose of aiding and abeting [*sic*] one or more persons in . . . a riot at Wounded Knee, South Dakota: 1) Load and transport boxes containing quantities of clothing in a rented U-Haul truck . . .; 2) Obtain and procure goods and services to repair and fuel the previously-mentioned truck." The Oregon group was in possession of no contraband. The only "overt act," indicating some kind of intent to aid and abet others in a riot, was to get on the public highway with a load of supplies.

On April 27 there was a rally in support of the Wounded Knee occupation on the Colorado State University campus in Fort Collins. Among the speakers were national AIM leader Vernon Bellecourt and a former CSU student from Massachusetts named Doug Phelps. The speakers told the crowd of about 350 that negotiations were in progress with federal officials to allow burial of slain Indian Frank Clearwater on the Pine Ridge Reservation, and that while negotiations continued, supporters of AIM would be permitted to gather at the village of Rosebud, about 100 miles from Wounded Knee. The Rosebud Reservation was not under blockade, and permission for the gathering had been granted by tribal authorities. A caravan was organized for departure the following morning, and FBI agents were present when the cars left the CSU "Oval" early Saturday. That morning nine people were arrested without warrants for "traveling in inter-state commerce through Wyoming to Wounded Knee, S.D., with intent to aid and abet other persons in inciting, participating in and carrying out a riot and with performing other acts of violation of federal anti-riot laws." A second group, 19 students from Fort Collins and Boulder, was stopped the same afternoon in Valentine, Nebraska.

In short there were four separate sets of arrests—Nevada, Oregon, Wyoming and Nebraska. Others

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were later indicted by grand juries. So far as the 50 arrests here described were concerned, in no case was there any indication of activities illegal in themselves, and in every case the only "overt act" was getting on a federal highway and crossing a state line. Perhaps some of the students involved might have done something, somewhere, sometime, *if* they found the opportunity when they got there—wherever *there* is—and if they had not changed their minds after having viewed the situation.

Charges against many of the young people have been dropped, but they were effectively barred from the highways. The American Civil Liberties Union's Oregon affiliate is asking $125,000 damages for those turned back in that state; the ACLU mountain states regional office challenged the Wyoming and Nebraska arrests.

The constitutionality of the Riot Act is at issue, and while the act has been upheld in federal courts on at least four occasions, the Supreme Court has never faced the issue directly. The famous Chicago conspiracy trial was overthrown on other grounds, and appellate court decisions have been inconclusive. When Abbie Hoffman was tried under the act in 1971, he had been seen aiding in the construction of a street barricade in Washington, DC on May 3. In November the Court of Appeals of the District of Columbia upheld Hoffman's Riot Act conviction for having crossed state lines on April 29, three days before the "riot." Had any of the 50 students arrested in March and April of this year subsequently participated in a riot, there might be arguable reasons for charging them with having entered interstate commerce with some kind of unlawful "intent." As it was, they never did anything but travel, and the constitutionality of such charges remains open to serious question.

David Fishlow

MR. FISHLOW *is field representative for the ACLU in the mountain states region.*

Capital Punishment

One year after the Supreme Court's landmark five-to-four decision in *Furman v. Georgia* struck down the death penalty laws of 39 states, advocates of capital punishment have met with remarkable success in restoring government's power to kill. *Furman* rejected laws that gave juries or judges unrestricted and generally unreviewable power to decide which murderers or rapists should live and which should die. Although each of the five justices in the majority wrote an opinion explaining his vote, all agreed that under this system the death penalty was in fact imposed on an arbitrarily and capriciously selected few, often those whose misdeeds were no worse than those of men who were sentenced to prison.

In recent years, capital punishment has been used so rarely that Justice Stewart could conclude it was "wantonly" and "freakishly imposed." Only about one in 10 men convicted of capital murder were sentenced to die; no execution had been held since 1967. While four-fifths of the states permitted capital punishment, only a handful of obscure laws required that it be imposed, prompting Justice White to observe that the states had no overriding interest in capital punishment—where the legislature leaves the entire matter of sentence up to jurors or judges the "legislative will is not frustrated if the [death] penalty is never imposed."

The Court was not called upon to decide the constitutionality of mandatory capital punishment laws under which conviction of a capital offense results automatically in a death sentence. But even Chief Justice Burger, who dissented, conceded that American law had long disapproved of mandatory death penalties because they make it impossible to show mercy or to consider the criminal's background and mental capacity. Such laws had been common in the 19th century but they had given way because juries would not enforce them—in some cases acquitting a guilty man rather than sending him to his death.

Many read *Furman* as an invitation to discard capital punishment entirely. But state lawmakers have not taken the hint. Nineteen states have restored the penalty for homicide; several have resurrected capital punishment for rape and other felonies. A half dozen legislatures are expected to bring back the electric chair or the gas chamber before adjourning for the year.

To date few have been sentenced to death under these new laws. One reason is that they are mandatory only in name. Most require a finding that a capital crime involves aggravating circumstances (the defendant was paid to kill, the murder took place in connection with another felony, it was committed in a "heinous" manner) and an absence of mitigating circumstances (the killer was under duress, he was emotionally disturbed, he has no prior criminal record) before authorizing a legal murder.

Law enforcement spokesmen, including the National Association of Attorneys General, argue that most post-*Furman* legislation is constitutional. The new laws, they contend, eliminate the random, illogical and racial selection of the condemned that Justices Stewart, White and Douglas found decisive in *Furman*. (Justices Brennan and Marshall concluded that capital punishment was unconstitutional in all circumstances because it was inconsistent with contemporary moral values and unnecessary for protection of the public.)

Abolitionists respond that arbitrariness is not purged from the criminal law by changing a few words in a statute book. Some defendants will be able to

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escape the death penalty if prosecutors charge them with manslaughter or noncapital murder. Others will win prison terms in exchange for pleading guilty. Juries remain empowered to convict for lesser offenses and will exercise great leeway in deciding whether a particular crime is aggravated or mitigated; governors retain the power to commute. The result, so critics claim, will be much as it was before *Furman:* a handful of killers, mostly the poor and black, will find their way to death row.

The death penalty is only popular when there is little chance that it will be used. People tell pollsters that they favor it, but when they serve as jurors and have to enforce it, enthusiasm wanes: Though we now count over 15,000 homicides yearly, only 100 or so men are condemned; just 25 have been executed since 1964. With respect to capital punishment, what we do will continue to belie what we say.

Michael Meltsner

MR. MELTSNER *is professor of law, Columbia University School of Law, and the author of* Cruel and Unusual: The Supreme Court and Capital Punishment *(Random House, 1973).*

Courts, Schools, Race

Whether courts can require consolidation of city and suburban school districts to accomplish area-wide school desegregation remained unsettled when an equally divided Supreme Court blocked a Richmond, Virginia merger plan last May. The deadlocked court issued no opinions on the case, and within a month a US Court of Appeals upheld the principle of metropolitan school desegregation plans in a suit involving Detroit. The common problem is how to desegregate a predominently black school system. In Richmond 70 percent of the enrollment is black; in Detroit it's 67 percent.

Opponents of the metropolitan approach to desegregation are more disturbed by its *scope* than by the bugaboo, busing. The anti-merger position, supported by the Civil Rights Division of the Justice Department, is that "the remedy must fit the wrong." Thus explaining the intervention of the department on behalf of suburban districts in the Richmond case, Assistant Attorney General J. Stanley Pottinger said, "It would have been different if the [suburban] school districts had been in complicity [to segregate], if there had been gerrymandered zones, or if suburban county lines had been drawn to frustrate desegregation." But the government contended that only the city of Richmond had a segregated school system, and that the virtually all-white suburban counties could not be compelled to swallow a remedy for another municipality's ailment. So the Justice Department argued before the Supreme Court that "There is a legitimate interest . . . in maintaining the integrity of the existing, neutrally established political boundaries between the city of Richmond and the surrounding counties, since disregard of these boundaries may substantially impair the normal functioning of local government." (Taxes, sewers and budgeting were cited as possible areas of interference.)

Municipal boundary lines have been willingly crossed when the purpose was to keep schools segregated. In Detroit a suburban district contracted to send its black high school students to an overwhelmingly black high school in the central city, busing them right past majority-white suburban and city schools. The NAACP Legal Defense Fund considered Richmond its strongest case, in view of a state system of tuition grants during the 1960s that encouraged students of either race to attend public or private schools *outside* their own localities—for obviously racist reasons. But part of the argument for "crossing the line" is pragmatic. "You have no remedy if you don't do it," commented one NAACP lawyer.

The recent Supreme Court decision involving Denver should facilitate desegregation in areas with sizable white enrollments. Noting that racial segregation in a portion of a school system has a "profound reciprocal effect" on the racial composition of nearby parts, the court ruled that city-wide desegregation should be ordered unless school officials could prove that other racial imbalances in the system were accidental. Denver is currently 66 percent white, 20 percent Hispano and 14 percent black. City-wide desegregation could practically eliminate racially stereotyped schools. But cities with that heterogeneous composition may be vanishing. Of the 100 largest school districts in 1972, 17 were over half black. Enrollment in the District of Columbia is now more than 95 percent black, and school systems with black concentrations greater than 70 percent include New Orleans, Newark, Atlanta, Wilmington and Gary. Merger suits are pending in Atlanta (77 percent black), Durham (65 percent), Louisville (51 percent), Wilmington (80 percent), Dayton (43 percent), Hartford, Conn. (50 percent), Buffalo (41 percent), Indianapolis (38 percent) and Boston (32 percent).

To confine desegregation plans to city boundaries in most of these cases will at best perpetuate present imbalances and may induce more white families to flee the city. The government says that's unfortunate but that the Constitution doesn't care about maintaining a stable white enrollment in the public schools. This ratio-blind approach allows the trappings of segregation to persist, however. A desegregated school system may show the same grim pattern of one-race schools as its segregated predecessor.

The final appeal of the Detroit decisions could reach the Supreme Court this fall. If the high court

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does muster a majority for the anti-merger position, we can expect certain shifts in desegregation strategy. "Everything won't shut down," says one NAACP official. "We can still get rid of pockets of segregation [within the city school system] without crossing the line." Many Southern school boards operating under inadequate or obsolete desegregation plans can be hauled back into court. (A faulty zoning plan in Memphis, Tenn., for example, has allowed the 163-school system there to maintain 141 essentially uniracial schools. Of these 29 are entirely black, 18 are entirely white.) Court acceptance of metropolitan desegregation plans that stop short of outright merger will be sought. Some promising proposals call for exchanging students and teachers by contract between city and suburban districts, or reassigning students to schools on an area-wide basis. Groups pushing desegregation may also soon divert more of their resources to housing discrimination suits in hopes of slowing the trend toward greater residential, and therefore school, segregation.

Mary Eisner

A Look at the Governors

Who's for '76?

You don't need a racing form to pick the two top 1976 presidential contenders among the 19 Republican governors—Ronald Reagan of California, hero of Southern and Southwestern conservatives; and Nelson Rockefeller of New York, once the standard bearer of moderate-to-liberal Republicans. They flanked Nixon at Miami Beach in 1968, but fell just short of stopping him on the first ballot.

The Democratic track is harder to figure. For one thing, there are 31 incumbent Democratic governors, and the Democrats could pick up two more this fall, in New Jersey and Virginia. Six or eight of them come quickly to mind, either because they take themselves seriously as candidates or are considered such by their peers.

Any list has to start with two from the Midwest—Dan Walker of Illinois, recently elected and still untested, and John Gilligan of Ohio, whose fortunes are on the upswing after his early bouts with an entrenched GOP machine. Then might be added Pat Lucey, for although Wisconsin is not a Big State, it is fairly typical of the population mix that makes for solid Democratic strength.

There are several possibilities among the new Southern governors—Reuben Askew of Florida, a clean-cut, photogenic "populist" who keynoted the 1972 convention, or Dale Bumpers of Arkansas. Some say John West of South Carolina is the best Southern performer of them all, but he'll be out of office by 1976 (he can't succeed himself). Jimmy Carter of Georgia is a conceivable choice: he has been getting exposure to the party "pols" since National Chairman Robert Strauss made him the party's campaign manager for 1974 and started sending him to meetings around the country. And before leaving the South, one must of course note George Wallace of Alabama, the man everyone who wants to get somewhere has been to see.

If the governors were left to themselves, they might come up with a surprise; for instance David Hall of Oklahoma, a tall, imposing, silver-haired governor described as "the class of the crowd." He reversed a steady trend to the GOP in his state by putting together a solid rural and small-town vote in 1970 to offset normal GOP majorities in Tulsa and Oklahoma City. His record is moderate-to-conservative. The potential of someone like Hall was described this way by an observer of state houses: "one thing that's important is the camaraderie among the Democratic governors. If the Democrats have a decent year in 1974 and the 1970 incumbents get reelected, they could have great strength if they push one of their own. Most of them have the same kinds of backgrounds, fought the same battles to win. If they have any kind of unity behind a single guy, they would wield tremendous power."

There are other attractive Democratic governors, among them Wendell Anderson of Minnesota. But Minnesota, alone among the 50 states, has an embarrassment of presidential riches and Anderson is third in line, behind Senators Humphrey and Mondale. Tom Salmon of Vermont gets high marks from observers, but one can't imagine a serious candidate for the Democratic nomination coming out of that state.

The 1974 off-year election may produce some new entries—for example Jerome Waldie of California or one of his four Democratic primary opponents: Secretary of State Edmund G. (Jerry) Brown, Jr., Mayor Joseph Alioto, State Senator George Mosconi, Assembly Speaker Robert Moretti. The state house at Albany has contributed a large share of presidential candidates and could again if occupied by someone like Democrat Ogden Reid, the able representative who switched parties a couple of years ago.

Whether or not a governor makes it will depend on what the voters have uppermost in mind in 1976, and whether any governor can raise enough money to publicize himself. He can't depend on the media, which heads for a state only when there's a major scandal, a penitentiary riot or an uprising such as Wounded Knee. When you talk about a governor, people ask you what he's doing; when you talk about a senator, they ask you what he's saying.

Watergate, with its laundered money supplied by the corporate world, may strengthen an already widespread belief that the rich should pay more taxes. If tax

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reform is gripping the public in 1976, Gilligan and Lucey will look good. Both must first win reelection in 1974, however, and big enough to control hostile state senates that are now hobbling them. Gilligan wrestled a GOP-controlled state legislature to a draw in 1971 and won half-a-loaf of tax reform for Ohio taxpayers, the first in decades. At first the hassle cost him dearly in the popularity polls, but voter reception of the results has been good. By fighting it out he got Ohio's first personal income tax (graduated from one and one-half to three and one-half percent) and its first corporate income tax (four to eight percent). The combination, which brings in $800 million-plus per biennium, was tied to a 10 percent across-the-board cut in property taxes, including two rebates; together they eat up $250 to $275 million in state tax receipts every two years. Opponents of the Gilligan plan put it on the 1972 ballot, but to their consternation the voters upheld it two to one. In the same election the Democrats seized control (58-41) of a reapportioned lower house and fell short of taking the Senate by a single vote (17-16).

Gilligan poured the extra funds into education, mental health and environmental control. Under his Republican predecessor and probable opponent in 1974, James Rhodes, 32 school districts closed for a few days to a few weeks, among them two of the largest systems in the state (Dayton and Youngstown). No schools have closed under Gilligan.

Blessed with a surplus in 1973, Pat Lucey in Wisconsin has an appealing package that combines selective tax cuts and some social reforms. The surplus is about $530 million and Lucey proposes to spend it this way: first $230 million to pick up local elementary and secondary school costs, at the same time equalizing the tax burden between rich and poor districts; second the assuming by the state of full cost of the welfare program (Wisconsin now has a state-county mix) at a price of $170 million and with a basic alteration of the welfare structure; third $140 million for assorted tax relief, including expanded homestead allowances and tax credits. The entire package was approved by his Democratic-controlled (63-36) state assembly; the GOP-controlled state senate likes the tax relief but is bucking reforms.

Saving the environment is a major issue from the Rockies to the Pacific, and it's Californian Waldie's favorite theme: "we need land use planning for the entire state. The local jurisdictions have insufficient power to repel exploiters. We'll have to do it statewide. The real question is whether we want most of our growth determined by private decision-making or whether it should be in the public realm. Most decisions are now made by a few individuals who own the and and have huge wealth. This can't be tolerated to he extent it has been in the past. We need planning with real controls." In Colorado State Representative Richard Lamm (D) toots the same horn as he rounds up support for a gubernatorial bid. Lamm was a leader in the anti-Olympics fight in 1972, when Colorado voters showed a strong preference for environmentalists, replacing Gordon Allott (R) with Floyd Haskell (D) in the process. Since then a "go slow on development" ticket made up of a majority of Democrats has swept the nonpartisan municipal elections in booming Colorado Springs, long a major GOP stronghold.

The environmental issue is not without some risk to the Democrats. Traditionally Western liberals have won as exponents of more federal money for economic development, and in this they've had organized labor with them. Labor leaders today fear that jobs for their members may slip away because of growing concern for the "quality of life." Waldie concedes labor "finds the environmental movement a threat to jobs," but says that "employment, education, recreation and public works can all be pumped into an overall plan." The more progressive unions are listening to him politely. But in Colorado there are whispers that Lamm is surrounded by "elitists" who don't give a damn about the working class but that former Lt. Gov. Mark Hogan would be safe on the environmental issue without breaking the old winning coalition. It's a dilemma for both parties.

Finally there's the new, big issue of the '70s—openness in government: complete financial disclosures by office holders, candidates and lobbyists; open meetings on every political level; restrictions on campaign expenditures. In the forefront of this battle is Askew of Florida, who got his legislature to approve a series of open government "Sunshine Laws." In California Secretary of State Jerry Brown has picked up the same idea and is using his office to push it.

No one is making more out of being against the old pols, against backroom deals than Walker of Illinois. He campaigned against the Daley machine and won; he's been fighting both parties in the Illinois legislature ever since he took office, appealing to voters over the heads of the politicians. He's "Mr. Straight Arrow" who won't approve any new taxes and won't be pushed around. He flies about Illinois, dropping down unannounced to chat with voters. His popularity is said to be high, although he doesn't have much of a record on which he can be judged at this point.

If a Walker, a Gilligan, an Askew or a Hall decide to make a real bid for the nomination in 1976, they'll have to start early and they'll have to spend money, which is something governors rarely have and can't easily raise (Maryland's Mandel is said to be the best fund-raiser in the business). Oklahoma is a flush state, and Illinois, Ohio and Florida are large and rich enough to launch a presidential boom for their top executives, if they choose.

Last but not least there's Wallace. Those who dropped in at the recent governor's conference at Lake Tahoe haven't forgotten the sight of waitresses and

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bus boys lined up to get his autograph, the deference paid him by his fellow governors, the fact that Senator Kennedy chose to spend this July Fourth saluting the "Americanism" of the man in the wheelchair. He has a big following and no trouble raising money, even if it comes in small amounts from hundreds of thousands of people. He could make it awkward for any of the other governors if he tries to defeat them in their own states.

Paul R. Wieck

The Nixon Watch

Watergate Miseries

San Clemente

Near the end of the President's midsummer fortnight at what the reporters in his press party are beginning to call, with bitter humor, "our" California home, I remarked to one of the few senior assistants who accompany Mr. Nixon nowadays on his escapes from Washington that I couldn't believe that he and his advisers were about to be as stupid as current rumor had them about to be. The rumor was that the President intended to stop in Kansas City, on his way back to Washington, and appear with Clarence Kelley, the new director of the FBI, when he took his oath of office in the city where he had been chief of police. My remark troubled and puzzled the assistant. What, he asked, would be so stupid about doing that? When I said that the last thing the country, the President, Clarence Kelley and the FBI needed at this point was a ceremony that would emphasize and publicize the new director's identity with and obligation to Richard Nixon, and added that many people would see in the performance a cheap attempt by the President to shield himself from his Watergate troubles with another law-and-order pitch, the assistant said that I had it all wrong. It was right and logical and necessary, he said, that Mr. Nixon should show the country that Director Kelley was taking office with the full confidence and support of the President. The rumor was confirmed a couple of days afterward and the assistant turned to helping Mr. Nixon prepare himself for the televised display of rectitude and firmness that duly occurred.

The wounds of Watergate, and the obsessing effort of the President and the shrunken group of associates and relatives around him to persuade themselves and the public that the wounds must not, need not and will not be fatal to his presidency, have never been more apparent than during this stay in California. It should have been a happy stay, starting as it did with Leonid Brezhnev, the chairman of the Soviet Communist Party, a guest in the President's home for the final two days of their summit meeting and, toward the end, Communist China's ex-officio ambassador in Washington out for a day to confer with Mr. Nixon and Henry Kissinger. Instead it's been a miserable time, miserable for the President and for a reporter who wants his country's Presidents, including this President, to be esteemed and do well.

When Chairman Brezhnev and Mr. Nixon said their formal goodbyes on the lovely and luxuriant lawn of La Casa Pacifica, the General Services Administration was getting ready to disclose, after four years of concealment at White House orders, the federal spending of more than $700,000 for renovations, improvements and furnishings in and around the President's California home and of another $600,000 at his Florida home. The Secret Service ordered most of the work and most of it could be justified with the claim that it was necessary for security reasons. The damaging fact, however, was that the expenditures had been successively hidden and minimized since 1969. It was the prolonged concealment, rather than the expenditures themselves, that gave the business a look of shoddy chiseling and generated the reporters' cracks about "our" home on the rare occasions when we got within sight of the place.

There also was the festering and incompletely answered question of how Mr. Nixon acquired the California estate. He and his White House lawyers and spokesmen concealed for four years, from May of 1969 to May 25, 1973, the fact that his multimillionaire friend, Robert Abplanalp, had made the acquisition possible first with loans amounting to $635,000 and later by assuming through an otherwise undescribed "investment company" a debt of $1.2 million so that Mr. Nixon could enjoy the privacy and grandeur of an estate totaling 29.9 acres while actually buying or contracting to buy 5.9 acres of it. An exaggerated newspaper report that Archibald Cox, the special Watergate prosecutor, was preparing to investigate an undocumented and previously denied story to the effect that 1968 Nixon campaign funds were used to swing the original deal before Robert Abplanalp came to the rescue drove the President into a cursing rage. He ordered his chief spokesman, Press Secretary Ronald Ziegler, to denounce "unfounded, malicious and scurrilous" reports and to say: "These types of stories continue to run, the innuendo and the suggestions continue to fly out of this environment, and it is unjust, it is unfair, and it is not in my mind relevant to our way of life in this country for this type of smear charge to be made against the President of the United States . . . I would say that the President is appalled by these consistent efforts being undertaken in the malicious—I don't know whether you can say libelous in terms of the President—but these constant efforts to suggest that there has been in any way wrongdoing associated with the purchase of this property."

It was difficult for spokesmen who said that the

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foregoing outburst reflected the President's viewpoint to maintain that he was perfectly calm and confident in his approach and reaction to his Watergate problem. But Ziegler, his deputy Gerald Warren and the few other White House assistants who were in occasional touch with reporters out here did their loyal best to put about and support an impression that Mr. Nixon is more baffled than troubled by increasingly frequent and insistent media comment to the effect that Watergate in all of its connotations has so impaired his ability to govern that he ought to resign. His daughter Julie Eisenhower said in an interview published on her 25th birthday that last May 4, during a family discussion at Camp David, the President posed the case for resignation and agreed with his wife and daughters that he must stay in office for the good of the country. I judge that Daddy was told what Daddy wanted to hear and I don't doubt the White House story that the President has never seriously contemplated resignation.

Neither I nor, to my knowledge, any other journalist is in a position to say with certainty that Mr. Nixon hasn't thought of resignation, foresees no possibility of impeachment and therefore doesn't fear it, and generally views the situation brought upon him by the Watergate scandals with full awareness of its impact and sober confidence that he will survive it. This is what we are told. One of the consequences of Watergate, capping as it does the four-year record of concealment and deception at the Nixon White House that is typified by his and his spokesmen's handling of the facts about the purchase and improvement of his homes, is that nothing we are told about his private attitudes and demeanor is inherently believable. The President himself has never been more isolated from all except his chosen intimates. The proffered stories of a more open presidency, with more and freer contact between Mr. Nixon, his Cabinet secretaries and important congressmen, are belied by evidence from his staff that he deals principally with most of its senior functionaries and with department and agency heads through his new administrative chief, General Alexander Haig. In his newly dual capacities as press secretary and assistant to the President, Ronald Ziegler is said to pass along suggestions and guidance to others at the White House. Haig passes orders. Melvin Laird, the new counsellor for domestic affairs, says that he is opening up and dispersing his own communication with domestic officialdom and its communication through him and Haig with the President. Henry Kissinger operates as he has since 1969, ascendant in foreign affairs and accountable only to the President. The purveyed impression is of a White House establishment that is warmer and looser than it was when the departed assistants, H. R. Haldeman and John Ehrlichman, ran it the way the President wanted it run. John Connally, the special and temporary adviser who appeared briefly with the President in California and then vanished for awhile, got to the nub of the probable truth with something that he said at the White House on June 20. He said it in the course of arguing that Mr. Nixon's outstanding operational characteristic is "the delegation of enormous authority to other people"—the basis of the dubious claim that Mr. Nixon didn't have to know what his Watergate sinners were doing. "That is the way he operates," Connally said. "That is the way he is. I don't think you are going to change him or I am going to change him or anybody else is going to change him. You have to take him for what he is, as you do any President, because he is a human being."

Reporters who never see the President in the intimacy that Connally does have to take him for what he is said to be in private and makes himself appear to be in public. The most vivid and memorable public glimpse of him during this California stay occurred when he saw Leonid Brezhnev off at the El Toro air base near San Clemente. Brezhnev, walking with Mr. Nixon from a helicopter to the presidential plane, that was to take the visitor back to Washington, veered from the planned route to chat for a moment with reporters and cameramen who were confined behind a rope. The President, glancing behind him as he walked on, saw his guest at the rope and responded to the sight in two ways, with a look of extreme irritation and by snapping to Brezhnev's interpreter, Viktor Sukhodrev, that the chairman had already said all he needed to say at the formal farewell in San Clemente. Here, in what should have been a moment of mutual pleasure and summit triumph, was an impulsive show of anger and rudeness. Brezhnev either didn't notice or pretended not to when he rejoined the President for the interrupted walk to the plane.

The available accounts of how the President reacted privately in California to Watergate developments and to printed and broadcast suggestions that he give up and resign are the kind that have to be taken on faith or rejected. My policy is to listen to them and pass them along for whatever interest they may have as examples of the image of the private Nixon that his associates wish to put abroad. Incredulous reporters are told, for instance, that the President really and truly didn't look for a single moment at his fired counsel, John Wesley Dean III, during Dean's five days of televised and immensely damaging Watergate testimony. Why not? Not because, one is told, the President was afraid to see and to hear for himself, but because he didn't need to see and hear for himself. He already knew, not necessarily all that Dean was going to say, but that it would hurt him and his cause and that's all he needed to know. Didn't he want to see and judge for himself something of how Senator Sam Ervin and the other interrogators would handle Dean? No, the answer went—he already knew that they wouldn't give "that cheap crook" the rigorous cross-examina-

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tion that Mr. Nixon thought he should have got and that White House spokesmen have been saying he didn't get. When I remarked after hearing one such account that it just wasn't human, that Mr. Nixon surely wanted to and did look for a moment or two at either the live telecasts or selected snatches of the Signal Corps film record, my informant replied: "You'd watch, and I'd watch, and I did watch. But you aren't Richard Nixon and I'm not Richard Nixon. He is Richard Nixon, that's the way he is, and he is the President of the United States."

Accounts of the President's reaction to the view that he can't govern any more and therefore should quit, have him talking approximately as follows to Ronald Ziegler, General Haig and the Nixon family: "What do they mean, I can't govern? I *am* governing. When I met Pompidou in Iceland, did Pompidou say to me, sorry Mr. President, you can't govern and there's no point in talking to you? He did not. Did Brezhnev tell me that I can't govern? He did not. Are the Europeans telling Henry Kissinger that his President can't govern so there's no point in talking about our 'year of Europe'? They are not. They are talking about our 'year of Europe.' Is Congress telling me that I can't govern? It is not. It is sustaining my vetoes, isn't it? Was it telling me that I can't govern when we worked out our compromise on the Cambodia bombing? It was not. We got our extension to August 15, didn't we? So what do they mean about not governing? I can govern and I am governing and I am going to continue to govern."

Mr. Nixon spent a lot of talking time in California with Ziegler, Haig and Raymond K. Price, Jr., who has been recalled to duty as the principal speech writer after being shifted for awhile to a special consultancy in the hope that he could do some leisurely and productive long-term thinking for the President. The offered accounts of what the assistants heard from the President foreshadowed a letter to Senator Ervin in which Mr. Nixon refused to testify or appear before the Watergate committee "under any circumstances" and said that the committee can't have access to presidential papers that might prove or disprove his contention that he knew nothing about the Watergate crimes when and for months after they were perpetrated. Mr. Nixon is said to have held forth to his assistants, with passion and with every sign of profound conviction, along the line that the presidency as a continuing institution would be imperiled and that their usefulness to him in his presidency would be ended if he and they had to account for and justify to outsiders the content and detail of their discussions and of other internal White House communication. In these conversations, it now appears, the President was rehearsing his letter to Senator Ervin and fortifying himself and his assistants against the interpretation that was immediately put upon it. The interpretation was that the President, while taking a probably sound and certainly defensible constitutional position, was setting himself to make known what he wants known and to withhold from Congress and the public what he doesn't want known.

An interesting and revealing aspect of the letter to Senator Ervin is the fact that the President didn't have to send and release it. The committee hadn't done anything that required it. Mr. Nixon had already said, through Ziegler, that he'd address himself once again to the Watergate matter when or soon after the current phase of the committee hearings ends. It was bound to bring down upon him the criticism and interpretation that have just been summarized. It was, I think, Richard Nixon's way of saying to the world as he has been saying to his assistants and family that he can govern and will continue to govern in his own fashion and to hell with anybody who says he can't and won't.

John Osborne

Can They Create a National Party?

The Democrats' Opportunity

by James MacGregor Burns

Both of our major political parties are in disarray at virtually every level. With glittering exceptions local party committees rarely meet and deal with trivia when they do. Outside of a few cities like Chicago and Albany, party organization is almost nonexistent compared with the bustling *personal* organizations that put individual candidates into office. Parties raise only a fraction of the political money that candidates attract.

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Both parties are sorely divided between executive politicians such as mayors and governors, and legislative politicians such as city councilmen and state legislators. Parties are not centers of political debate and conflict; their projects are more ceremonial than substantive; they fail to serve as recruiters and sponsors of political talent (when they do, they can be very impressive; witness the stream of political talent during the past quarter century out of the rejuvenated Democrat-Farmer-Labor Party of Minnesota). The state parties usually consist of unrepresentative committees that meet seldom, of chairmen without funds, staff or political muscle. The national party committee, too lacks power. The national chairman is usually the appointee of the previous presidential nominee; if the nominee lost—McGovern is the latest example—his chairman is abandoned; if the nominee becomes President, the chairman has a status somewhere between the second and third level in the White House hierarchy.

Does it matter? Yes. Historically parties have helped to mobilize and channel creative bursts of popular energy, as in the days of Jackson, Wilson and both Roosevelts. No President, no Congress, no nationwide interest group or cause group can concert the power of the people as effectively as the party can through its hosts of leaders and committees reaching down into the country towns and city precincts. Without political parties, Walter Dean Burnham has warned, power will shift even further to technological and bureaucratic elites—and one can add today, to the kind of men who gave us Watergate.

The party also serves—again ideally—as a force for constraint on government, especially on executive power. When the party has elected "its" President, the leaders of the party have a right to counsel with the President, to offer advice reflecting the continuing needs and obligations of the party, to balance the claims of their party constituency against those of his presidential constituency. The party leaders' formal authority is limited by the Constitution, but unofficially they should be able to bring the President to book if he deserts the party platform or inflicts grievous injury on the nation. When the national party loses a presidential election, it must serve as the loyal opposition to the White House, criticizing presidential actions, offering alternatives, pressing for debate and confrontation. Unofficially it can even establish a "Shadow President" and a "Shadow Cabinet" that could attack the incumbents responsibly by setting forth alternative proposals that the "out party" would support when it becomes the "in party."

All this is a far cry from present reality. But the triple shock of the agony of Chicago in 1968, of losing twice to Nixon, and of witnessing in Watergate what unscrupulous presidential politicians can do to a great national party—has brought the Democratic Party to the brink of a self-appraisal and perhaps a self-renewal that could convert it into a creative force. And if the Democrats take the lead, the Republicans, their establishmentarianism shaken by crisis, will not be far behind.

Two powerful reform movements in the Democratic Party emerged out of the paroxysm of Chicago '68. One focused on the party's methods of choosing presidential convention delegates and especially how to deal with the thorny problem of underrepresentation of women, blacks and others. This concern is today preoccupying the attention of the Commission on Delegate Selection, chaired by Barbara Mikulski. The other reform movement centered on the organizational and structural weaknesses of the party and is the current concern of the Democratic Charter Commission, under the chairmanship of Terry Sanford, president of Duke University and former governor of North Carolina.

The charter commission was established by resolution of the 1972 Democratic national convention, which instructed the national chairman to appoint a "representative" commission to a) consider and recommend a permanent charter for the party; and b) to recommend to the Democratic National Committee "the size, composition and manner of electing delegates to a conference to be held in 1974 on Democratic Party organization and policy." Thus not only does the Sanford Commission have the awesome responsibility of framing a new, "permanent" constitution for the party. It must also plan for a midterm 1974 "policy conference." If the commission, which convenes for its first substantive meeting in Colorado later this month, does its job of constitutionmaking rather than facelifting, what might the Democratic Party look like?

At the base of the party would be a million or so dues-paying, card-carrying members of the national party, a national constituency that would undergird the party's influence in national politics.

Local units of the national party would address national, as well as state and local problems. Policy-oriented, they would initiate educational, training and promotional projects.

The party would be financed by membership dues, which would be required of all its enrollees except the poor.

At the next tier up, the national party would be organized by congressional constituencies so that there would be a direct link organizationally between the national party and its Democratic congressmen or aspirants for Congress. Likewise the national party would be closely coordinated with existing state parties.

At the national level, party headquarters would be better staffed and financed. Under the direction of the

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national chairman the party would conduct continuing programs across the nation in political education, membership recruitment, registration, discussion and publicizing of national issues. A fully representative national executive committee would speak for the party rank-and-file between meetings of national conventions and conferences. A national policy conference would meet every even-numbered year between national conventions to set policy and programs, make organizational decisions, prepare for the coming presidential and congressional elections. The policy conference would consist of around 2000 delegates elected from congressional districts, plus several hundred Democratic senators, representatives, governors and officeholders.

In odd-numbered years a smaller party conference would assemble to update the party platform; or the delegates might meet in regional party conferences. The familiar quadrennial presidential convention would continue as the supreme authority in the party.

The rank-and-file of the national party would have more rapport with—and more influence over—the congressional Democratic Party, in part because the national party would have more strength and in part because members of Congress would be working closely with party delegates at the congressional and national levels.

The result? A more coherent, unified, issue-minded, representative national party that could both sustain and constrain, both spur and steady its national leaders.

The Democratic Party here faces the opportunity of a lifetime. Will it seize it? Some influential Democratic leaders will oppose anything other than a little face-lifting. They fear that a more policy-minded party would come under the influence of "radicals" or other undesirables. They prefer the old *personalismo* politics. They worry that a stronger national party would disturb institutions that protect the present distribution of power on Capitol Hill. Above all they dislike debate, clash, combat within the party. Under the cover of "party unity" they would like to conceal party divisions. Others, less fearful, believe that the present governmental and political crisis is so severe that the charter commission *must* meet it decisively.

The most likely outcome, I think, is compromise: the charter commission would propose a good deal of remodeling at the top of the Democratic Party, ignoring the need for reconstruction at the party's base. The reformers, in short, may design a penthouse and a fine upper structure, with no foundation.

Circumstances may nevertheless compel them to reconstruct the party at its base. For by one of those conjunctures that fascinate historians, the charter commission must set up the 1974 Democratic policy conference, which will consider the recommendations of the charter commission. How will the 1974 conference delegates be selected? They cannot simply come through the machinery of the grass-roots party, for local committees are inactive in most states; most are not interested in national party policy; they would not know how to set up a selection procedure that would be equitable. Hence the charter commission may have to propose a whole new election system to choose delegates. Members of the commission recognize this and have been discussing the idea of a caucus system that would serve this end of representativeness without disrupting or antagonizing existing local committees. Under the caucus plan, the national and state Democratic committees would establish and enforce national guidelines ensuring an open, fair election of policy conference delegates. Existing party chairmen would be instructed to hold a local caucus, typically representing an area of not more than 25,000 population, at which caucus party policy would be discussed and delegates elected to a congressional district caucus to take place four to six weeks later. Party chairmen would be under the most stringent instructions to: 1) announce the local caucus well in advance; 2) publicize it widely through the media and through word-of-mouth; 3) take steps to persuade local representatives of womens', black, youth, elderly, ethnic and poverty groups to attend; 4) conduct an open, fair, public caucus. At the next stage the congressional-district caucus would be conducted in a similar manner and would be responsible for selecting four or five delegates from its district to the national policy conference.

Form follows function, in politics as elsewhere. It would seem unlikely that such caucuses could take place, provoke discussion over party platform, and choose among contesting candidates for delegate, without creating a new center of excitement and activity in the party. Since the caucuses would be open to all Democrats there would be no problem of exclusivity or institutional bias. Particularly if the caucuses met every year to choose delegates to regional or national policy conferences, they would gain in strength and visibility—and in many areas they would dominate the presidential delegate selection process every four years.

Would this create a whole new parallel party and hence dissipate Democratic energies? In some areas local Democratic committees are already so issue-minded and so used to operating through caucuses, that they could easily coexist with policy conferences. In other areas the local Democratic committees are so inert, or at best preoccupied by state and local politics, that a competitive relation need not develop. In still other areas there *would* be competition, even friction, but not without benefit to the competitors.

Establishing election machinery for the selection of "policy delegates" will offer one other cardinal opportunity to the Democrats. The party is still perplexed by how to select presidential or policy delegates on a one person-one vote basis and at the same time give extra

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representation to women, blacks and other groups who contend, quite rightly, that in the past they have been underrepresented in the party. Many reformers want full representation of such groups in the party councils but flinch from a quota system and its inevitable arbitrariness. The caucus system might solve this problem. No group could feel excluded; on the contrary all Democrats would be welcomed regardless of sex, age, race, color and previous condition of ineffectiveness. If local chairmen responded to the national party guidelines and made every effort to bring women and blacks and others into the local caucuses, would a quota system still be necessary in national conventions and conferences? I have asked this question of militant women and of blacks and their answer is typically yes, a quota system would still be necessary—until these groups made their breakthrough into the party. But once this is done the quota system could be dropped and local parties could be depended on to democratize their membership admission and recruitment practices.

Much is riding on the fate of the Democratic Charter Commission. Cynics will scoff at the prospects of major and lasting reform, and based on the track record so far they are justified. But new times, new possibilities. For the 170-odd members of the commission, now really is the time for all good Democrats to come to the aid of their party.

Cover-up at CBS?

The Electronic Battlefield

by Peter J. Ognibene

The "electronic battlefield" is a concept the military developed and used in Southeast Asia. It is a complex system that employs electronic sensors, computers and lethal munitions. Last year Peter Davis, who wrote and produced the award-winning "The Selling of the Pentagon," produced a 25-minute story on the electronic battlefield for "60 Minutes," a weekly program on CBS television. Only a 15-minute portion of the story was actually run, and it was devoted exclusively to "clustered bomb units" or CBUs. In the 10-minute segment that was not broadcast, the various defense contractors associated with the electronic battlefield were mentioned; one of them was CBS Laboratories. Was the decision not to broadcast the completed story simply an editorial decision or was it a network self serving?

Like other large corporations, CBS, Inc. has many tentacles. The public is most familiar with the CBS Television Network and CBS News. CBS Laboratories, with headquarters in Stamford, Connecticut, is less well known. Since 1968 CBS Laboratories has been building and operating equipment for "Compass Link," a Department of Defense communications network that transmits photographs from Southeast Asia to Washington. The transmission site was originally located at Ton Son Nhut Air Base in Saigon, but it has since been moved to an undisclosed location (probably in Thailand).

In a telephone interview Renville McMann, the president of CBS Laboratories, described "Compass Link" as a "photo facsimile system" and likened it to the "wirephotos" AP and UPI transmit to newspapers. It is currently a one-way system, but CBS is under contract to install a transmitter in Washington so the Pentagon will be able to "mark up a picture or send a document" to Indochina, McMann said. "Compass Link" photos help the Pentagon assess bombing damage and evaluate what further bombing needs to be done.

The story that was run on "60 Minutes" of June 11, 1972, made no reference to CBS Laboratories; it was confined to the "CBU." Morely Safer, who narrated the report, described the effect of one of these weapons: "These munitions are dropped in canisters which open before hitting the ground, scattering bomblets several hundred yards in every direction. When the bomblets themselves explode, they produce a shower of tiny steel pellets. The Vietnamese claim CBU pellets ricochet from one internal organ to another, producing severe wounds that are difficult to treat." Much of the broadcast contained interviews with workers and an executive of the Honeywell Corporation of Minneapolis, which bills itself, Safer said, as " 'the country's leading developer and supplier of

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munitions.' "

James Binger, the chairman of the board of Honeywell, explained the company's point of view: "We feel that the anti-personnel weapons, whether they be grenades or bombs or bullets, have the same purpose, unfortunately—to kill people. And that is one of the unfortunate things about this world—it doesn't live in peace, that countries feel they must be prepared, and occasionally utilize products of this sort."

"But it's really not a grenade that we're talking about or a bullet," said Safer. "It's something that's extraordinarily impersonal, coming from the sky, probably on a target that is not even visually seen on the ground." In the ensuing conversation Safer submitted Binger to a hard interrogation: "Do you care how those weapons are used?" "Do you not feel that industry itself has a duty at some point, even with an elected government, to say, 'No, we won't make it!'?" "How culpable do you think . . . German industry was in the Second World War?"

At one point Binger replied: "Well, I think it's intolerable for us to undertake to set our own, either domestic or foreign policy." By skillful cross-examination Safer led Binger into invoking the sort of defense German industrialists made at Nuremberg: a corporation is not responsible for how the government uses the weapons it builds.

Juxtaposed to the chairman of the board was a Honeywell engineer, Dennis Brasket, who, Safer said, "now feels that anti-personnel weapons are immoral, but still works for the company on civilian projects." His was the lone voice in the moral wilderness: "I think that any person who is a part of this machine, and the whole society is a machine, if he knows what the story is, bears a moral guilt to some extent. He has a responsibility to oppose."

"CBU" was powerful television, and on the next show (June 18, 1972) Mike Wallace commented that "almost all our mail this past week was about our story last week on the American anti-personnel bombs in Vietnam that spew out steel pellets in all directions." The producer, Peter Davis, told me that "the mail on the CBU piece was one of the largest."

As earlier noted, "CBU" was actually part of a larger story on the electronic battlefield. In the 10 or so minutes of the story that were not broadcast, the defense contractors responsible for the new concept were mentioned. I asked Davis to characterize the context in which CBS Laboratories had been mentioned and he said, "It was a batting order of firms that contribute to the manufacture of the electronic battlefield and who refused to speak to us."

Asked why the segment had not been broadcast, Davis replied: "I can't say why they didn't run it. I know CBS and the executives pretty well, and I think the reasons were much more complicated than the mention of CBS Labs." Did he think it had been deleted to protect the corporation's image? "I never thought that was the reason," he said.

Why, then, was it not shown? "It was confusing to me at the time," Davis replied. "If they didn't like the piece, they should have reassigned it immediately. It was an integral part of the CBU piece." His opinion since that decision has not changed: "I think they should have run the entire piece."

Davis left CBS in July 1972 to do some film work for a private company. He characterized his departure as "a leave of absence" and says his decision to leave had nothing to do with the editing of the electronic battlefield story.

Don Hewitt is the executive producer of "60 Minutes." In a recent interview he acknowledged that the electronic battlefield story did, in fact, contain mention of CBS Laboratories. "I was very happy that he [Peter Davis] found the reference to CBS Laboratories because it would have been very embarrassing to have run it [the electronic battlefield story] without it." The story, however, was never run.

Asked why the reference had been deleted, Hewitt rejected the characterization: "It's not a deleted reference. He [Davis] put two stories together and one of them was not very good." Hewitt also said he showed the segment to Bill Leonard, a senior vice president of CBS News, and "he agreed it was not very good." The segment was not reassigned to another producer, Hewitt said, because "Peter Davis went to Hollywood . . . I didn't want to start from scratch with somebody new." In response to a follow-up question, Hewitt said, "If you're asking if there was any pressure brought on us to eliminate the reference to CBS Labs, the answer is no."

Asked for specific criticism of the segment which was not broadcast, Hewitt recalled it was "overly long" and it carried "the strong implication that the CBU was dependent on the electronic battlefield, which is not true." As for not reassigning the piece, he commented that "smart bombs later seemed more interesting than the electronic battlefield." No story on the laser-guided bombs was assigned however.

The electronic battlefield story is, presumably, in a can somewhere at CBS News: an "out-take." Without seeing the segment, one cannot judge the merits of Hewitt's editorial decision. Although Peter Davis has impressive credits as a TV producer, it is conceivable the segment was "not very good." (Davis disagrees; he said he never received any criticism on the piece.) On the other hand, Hewitt's one substantive criticism, the putative link between CBUs and the electronic battlefield, can be examined.

In November 1970 the electronic battlefield subcommittee of the Senate Armed Services Committee held three days of hearings. The hearings and the report, both titled *Investigation into Electronic Battlefield Program*, published in February 1971, were the basic documents Davis used in his research. The subcom-

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mittee hearings make clear that CBUs can be used independently of the electronic sensors and computers; however the electronic battlefield makes abundant use of cluster munitions, some of which were designed specifically for the program and others which were developed earlier. Here are three examples:

► The air force developed "Dragontooth" (CBU-28) for the electronic battlefield. It is a small mine which can fit into the palm of one's hand; dispensers can spread thousands of the mines over a large area. An air force spokesman described its capacity for damage: "If a person steps on it, it could blow his foot off. If a truck rolls over it, it won't blow the tire.

► Another weapon designed for the electronic battlefield is the wide area anti-personnel munition (WAAPM or CBU-42). Dispersed in dozens of bomblets that arm after hitting the ground, "any disturbance of . . . the bomb itself will detonate the mine," said an air force official.

► The CBU-24 anti-personnel and anti-light material munition was used extensively with the electronic battlefield and elsewhere in Southeast Asia. When the bomblets it disperses detonate, an area the size of a football field is saturated by a quarter of a million steel pellets.

Thus the thread linking the electronic battlefield and the CBUs is the impersonality of their use. "We are making unusual efforts," said Major General Ellis Williamson at the hearings, "to avoid having the American young man stand toe-to-toe, eyeball-to-eyeball, or even rifle-to-rifle against an enemy that may outnumber him on the battlefield." The electronic sensors, which are activated by "movement" and set in motion a process that eventually brings a lethal rain of CBU pellets, cannot discriminate between an enemy soldier and a peaceful villager or, as Major General John R. Deane told the subcommittee, "you could have in Vietnam, for example, a group of woodcutters coming back down the trail that might look like a squad [of infantry] to them [the sensors]; you could make a mistake, I think." In concept, then, the electronic battlefield is, as Morely Safer said of the CBUs, "extraordinarily impersonal."

From my conversation with Davis and from the transcript of "CBU," I am convinced he discerned the proper link between the electronic battlefield and the CBU. It seems unlikely he was inferring, as Hewitt recalls, "that the CBU was dependent on the electronic battlefield." In the first two sentences of "CBU," for instance, Safer refers to CBUs being used "on targets in North Vietnam" and "civilian targets." Because the electronic battlefield centered on the so-called Ho Chi Minh Trail network in eastern Laos, Davis' script for "CBU" indicates he knew the weapons had wider application.

So I return to the question posed at the outset. Was it an editorial decision that removed the reference to CBS Laboratories' defense contract or was it a cover-up? The facts recorded here raise the possibility (but do not prove) that it may have been the latter. It has been established that a story on the electronic battlefield was produced for "60 Minutes" and that the segment contained a reference to CBS Laboratories' association with that concept. The story about the CBU was a part of the electronic battlefield, but only "CBU" was run "intact" (according to Davis). The balance of the story was neither broadcast nor reassigned to a different producer.

"Compass Link" daily flashes bomb-strike photos to the Pentagon using a laser scanner and recorder built and operated by CBS Laboratories. Air force intelligence hands the photos to a CBS man in Indochina who transmits them to a CBS man in Washington who gives the pictures to the Pentagon. Intelligence analysts evaluate the bomb damage and plan further bombing missions based on these photos. "Compass Link" was valuable to the Pentagon during the years it bombed North Vietnam, and it now helps the military plan its bombing of Cambodia.

Although "Compass Link" has been a matter of public record since 1969, recent mention of it apparently struck a raw nerve at CBS. On June 6, when Congressman Les Aspin (D, Wisc.) issued a press release criticizing the CBS contract, the vice president of CBS, Inc. (not CBS News) for Washington, Richard Jencks, called one of Aspin's assistants and, reportedly, berated him. When I met Jencks at a congressional hearing a few days later, he likened the "Compass Link" contract to one a dairy farmer might have to provide milk to an army post. If moral guilt can be assessed to one, what of the other?

My sympathies certainly do not rest with the corporate executives of munitions factories, but it seems to me unfair to have singled out for excoriation the one company whose executive was willing to be cross-examined before the electronic eye of CBS. At the very least the role of CBS Laboratories, whose pictures of bomb damage are used to decide where more CBUs will fall, should have been mentioned. Such candor would have been achieved had the electronic battlefield story been broadcast intact. In the event it was "not very good," it would have taken only a few seconds to mention the CBS contract. Instead "60 Minutes" and CBS News stood above the battle and used its commentator, Morley Safer, to give the viewing audience a final lecture on morality: "Dozens of other American companies with household names produce weapons and other products that contribute to the war effort. If the shareholders of these companies—and that includes millions of us—told them to get out of the war business, presumably they would have to do that. So far, enough shareholders believe in the profitability and the morality of the CBU to insure its survival."

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Stanley Kauffmann on films

Playtime

(Walter Reade)

40 Carats

(Columbia)

Sex and the Supremes

I always feel a little guilty about Jacques Tati. The man has so much of what one is always bemoaning the shortage of: taste, skill, personal vision. Yet his films leave me with something of the feeling I get from a Marcel Marceau performance—technique and talent employed in the pursuit of preciosity.

Playtime was made in 1967, before *Traffic* which was shown here earlier this year, and it deals with ultramodern Paris. Except for some reflections of the Arc de Triomphe and Sacre Coeur in swinging doors, all we see are high-rise glassy office buildings which could be on Park Avenue or Michigan Boulevard. No story: just an assembly of episodes built loosely around a busload of US tourists who move through a day in Paris, one of whom is a quiet sympathetic girl who encounters Monsieur Hulot (Tati). Hulot, as usual, is merely a prominent character, not the leading one. The point of the picture seems to be that people are still people, even if Paris is not still entirely Paree.

Once again, the sound track is a designed burble, rather than clear dialogue or clear silence. Once again, there are brilliant strokes, and strokes that *ought* to be brilliant.

And once again Tati is satirizing his old foes, technology and modern pace, and also trying to live with them. In both his satire and his peacemaking, we can get a look at where he succeeds and fumbles. Instance: Hulot goes to see someone in an immense office building and waits downstairs after being announced, sitting on a sofa. The man he has asked for appears at the far end of a long corridor, the sound of his heels approaching. Two or three times as we watch the man trudging along toward us, Hulot rises, and the hallman gestures for him to remain seated, there's plenty of time. The moment makes its point of contrast with human-size buildings. But the whole sequence comes to nothing. Hulot and the man get lost chasing one another around the building. That evening, quite by accident, they meet on a street-corner and amble off to have a conversation. What about? We never learn. The contrast between the business-appointment atmosphere and the casual encounter is patent, but the sequence leaks away.

Or, during a very long sequence in a new restaurant on its opening night, a glass front-door shatters, and the doorman simply moves the big brass doorknob as if the door were still there. Funny, because we see the idea *working*. But a waiter brings a fish on a serving table to a couple of diners, seasons it, and is drawn away on other business; another waiter comes by soon and repeats the seasoning without serving it; then later a third waiter seasons it and tries to serve it, but by now the first pair of diners have moved to another table. The fish is wheeled away to their new table and we never see the pay-off. Worse, we later see the original pair leaving quite happily. Didn't they eat the trebly seasoned fish? We'll never know.

Besides, Tati cannot rest with observation, he has to arrange. A minister in a drugstore pauses in front of the neon sign "Drugstore" as the "o" lights up, giving him a halo. An overhead shot of a traffic jam going slowly around a circle is given carousel music, à la Disney, to suggest a merry-go-round. From sharp comment we decline through pointless points to cuteness.

Tati still seems the wrong distance from his audience: not so far that we cannot see his gifts, not close enough so that they really touch.

I carefully avoided Liv Ullmann's first US film, *Lost Horizon*. I took a chance on *40 Carats* because I've never seen Ullmann in comedy, and I'm glad I did. The script is the commonest kind of hammer-and-nails contrivance on a venerable idea—the older woman and the younger man. Usually it's been used for heart-tug—*Young Woodley, A Thousand Summers, Tea and Sympathy;* here it's played for laughs with an allegedly happy ending.

The comedy is maimed chiefly because the young man is a stock figure, without even Broadway's idea of characterization—like a passion for postage stamps or a dread of vanilla. And the part is played with exceptional lack of appeal by Edward Albert, the son of Eddie Albert whom, alas, he does not resemble in any way.

But there are two pleasures. Binnie Barnes—the same Binnie B. who was a knockout in *The Private Life of Henry VIII* (1933)—returns as Ullmann's mother, still attractive, still funny, now sounding like Tony Curtis imitating Cary Grant in *Some Like It Hot*.

And Ullmann. She doesn't quite exhibit the comic range that Glenda Jackson shows in *A Touch of Class* because Ullmann is playing in a foreign language and lacks utter ease and tripping-tongued lightness. In fact, her first six or seven minutes, set in the Greek countryside, are dismayingly clumsy. But then her boyfriend shows her the Greek coast from a hilltop, and the expression on her face makes that coast even more beautiful than it is. From then on, it's romance all the way. If you feel like having a crush on someone for a couple of hours—and having a crush on someone, of either sex, is part of the point of romance films for both men and women—see Ullmann in this feeble fluff. (All the more winning if you know *Persona* and *The Passion of Anna* and *The Emigrants.)*

A layman's addendum to the professional comments by Nathan Lewin (*TNR*, July 7 & 14) on the recent Supreme Court pornography rulings. Mr. Lewin's article was the first I've seen that even mentioned the President's Commission on Obscenity and Pornography, which, 'way back in 1970, submitted a long report hailed by many (myself included) as a landmark. The chairman of the commission was William B. Lockhart, dean of the University of Minnesota Law School and a scholar of obscenity law; he and a majority of his associates built their very extensive report to one key statement: "Federal, state and local legislation prohibiting the sale, exhibition and distribution of sexual materials to consenting adults should be repealed." (*There's* a stroke to cut the court congestion by porno cases that Mr. Lewin notes!)

All but one member of the commission had been appointed by President Johnson; the one Nixon appointee not only dissented from the majority but tried legal steps to prevent publication of the report. His President took care of matters for him: Nixon promptly disavowed

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the majority report and shelved it. Last month a five-member majority of the Supreme Court, four of whom were Nixon appointees, issued decisions in pornography cases that discounted every bit of the research and every idea and insight in that report. I can't think of a worse modern example of the brusque dismissal of advanced thought in favor of troglodytic prejudice.

The Court's rulings say, essentially, that "social value is no longer a criterion; and that local community standards, rather than national standards, shall prevail. (Surely social value is inseparable from community standards? Aren't those two rulings contradictory?) The immense procedural labyrinth that this plan of local option entails is apparently quite deliberate. Through a strategy of seeming fairness, the Court makes the exhibition and publication of unconventional films and books so fraught with the risk of multiple suits around the country that enterprise in sexual materials is sorely discouraged.

Reaction has been swift. The Association of American Publishers, the Motion Picture Association, the American Civil Liberties Union and others are cooperating to petition the Court for a rehearing on these cases, to monitor state and federal legislation that may flow from these decisions, and to assist litigants with funds and with friend-of-the-court briefs. But clearly it's a dark, long road, deliberately made dark and long.

I don't pretend that the question is simple. I and many others have written considerably in the last few years about the publication and exhibition of sexual materials and have tried to be exploratory, open, empirical, neither retrogressive nor blithely permissive. About the serious use of sexual materials—what I would call erotic art—there can hardly be dispute among the civilized. The point is that one cannot stop there because there is no definable border between pornography and erotic art (as virtually everyone admits) so that pornography must be free if art is to be free. Besides, and clinchingly, there is nothing demonstrably wrong—there may even be something desirable—about pornography. To my knowledge, no real fact has been adduced to dispute the Lockhart Commission's contention: barring children and barring public advertising that might offend the uninterested, there is no reason why sexual books and films, including pornographic books and films, should not be available to those who want them.

One more point, highly important. I think it relevant that these Court rulings came during the Watergate hearings, that these moralistic pronouncements arrived just as we were being deluged with White House sewage. Certainly there is no direct connection between Watergate and the Supreme Court, still there *is* a connection—through Richard Nixon. The man who chose that White House staff is the same man who chose four of the five justices who wrote those majority opinions (not to mention the other two whom Nixon tried unsuccessfully to get on the Court). The mindset fits both groups of appointments. Was there ever a shady politician, from alderman to President, who wasn't staunchly in favor of Home and Mother?

Mixed Arrogance and Timidity

Memoirs of Waldo Frank

edited by Alan Trachtenberg
introduction by Lewis Mumford

(University of Massachusetts Press; $15.00)

In his more modest moments Waldo Frank compared himself to Don Quixote the do-gooder; in his less, to Prometheus the fire-bringer. Behind this fantasizing was a mystic and a sensualist who went through three marriages and a conjectural number of affairs (their listing required a *small* notebook), as well as a practical journalist who successfully posed as a black man while touring the South and a physical culturist who praised good posture as a source of moral uprightness, mental health and even godliness. He was also an author who delighted in being lionized though few could have been more ardent about the virtues of humility.

There was no hint of the mystic in Frank's appearance. He was short, chunky, strong, black-haired, mustached, intense and aggressive. Lewis Mumford, his friend of several decades, observes that Frank in his early 30s resembled the young Hemingway. Some admirers in the 1920s and 1930s even held him to be as gifted as Hemingway, but long before he died Frank was a neglected and rejected author.

Frank himself credited a good deal of the failure to a pledge he had made to God while rebelling against the worldliness of his Yale classmates (*circa* 1910), a pledge to resist the blandishments of money, fame and influence. It was a pledge that he ignored, but when the money and fame slipped away he rationalized that his decline was what he had brought on himself by ignoring his holy bargain.

Lewis Mumford offers more palpable reasons for the failure and concludes that Frank's talents never ripened because success arrived too swiftly, confirming prematurely his enormous faith in himself. There is no doubt that his egotism was a handicap and that he lost by crying "Foul!" when shrewd critics like Paul Rosenfeld wrote bluntly of his weaknesses.

Nevertheless in picturing Frank as a man who was smothered by pamperings and praises and unearned affluence, Mumford minimizes the uneasiness of spirit that was always with Frank and led him to write: "I've always felt myself as an *outsider*—yearning, struggling to *get in*. . . . I've never succeeded." One source of alienation was his Jewishness and the conviction that he was a minority within a minority. His parents were wealthy New Yorkers who never entered temple or synagogue and never suspected that young Waldo might have a religious need. "A Jew without Judaism," he was still a boy when he read Walt Whitman and got his first glimpse of mysticism. Though he made heroes of Whitman, Blake and Tolstoy, he looked outside their books for that "sense of the whole" which he took to be the essence of revelation. And he envied Hindus and orthodox Jews for being born into a faith that might have enabled him to achieve a sense of the whole.

As a boy he jumped across a lime-kiln, knowing he risked his life and hoping it would bring him revelation. Years

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later, out of the same motive, he swam in a sea hit by squalls and suffered severe bruising and bleeding when thrown against a rock. On a third occasion, riding a horse in Wyoming, he heard a strange cry and promptly answered it. As the cry was repeated, he realized it had been the howling of wolves and decided solemnly that "I had been in communication with the wild: and it had entered me!"

Despite the solemnity, Frank had a turn for practical jokes—some thoroughly outrageous, the product of alcohol and arrogance. Once on a rainy night he joined a friend in dragging Bavarian villagers from their beds and dumping them half-naked into the street. Frank and his American friend then made peace with the villagers, started to teach them the Charleston; and when a constable proposed to arrest them for their obscene dance, Frank asserted that President Wilson himself danced the Charleston in the White House and Congress. They didn't go to the poky after all.

There were self-doubts and timidity behind the stagy boldness, a timidity that he struggled with even as a Yale freshman. A blustering older brother saw Waldo's efforts to write poetry as a vice and argued that unlike Harvard, which was full of esthetes and anarchists, the New Haven school (1907) "models citizens to be and to act American" and that "the good Yale man puts poets in their place." Frank let himself be put in place, dropping a plan to enroll at Harvard.

Sinclair Lewis, coming to Yale three years earlier and appalled by campus-wide obscenities about his ugliness, had set out to cultivate charm and thereby mollify those who snubbed and isolated him. But unlike Lewis, Frank calmly accepted his isolation. Yale clubs and fraternities had no absolute barriers against Jews, but squeezing past those barriers seemed a form of stooping to Frank and his pride discouraged him from making the effort. Submissiveness was not his tactic anyway; and his aloofness helps explain why Frank's socialism grew more aggressive during his post-college years when Lewis' socialism had faded and been replaced by affection for the Dodsworths and the Babbitts.

His first published novel, *The Unwelcome Man*, was written in Paris where he went—though he could always tap his father for money—to play bohemian. If the book's title hits off his role as an outsider, the *Memoirs* offers loads of evidence—and lively character sketches—proving he himself was welcome in many circles. James Joyce, André Gide and Romain Rolland admired him and Unamuno incorporated a chapter from Frank's *Virgin Spain* into one of his own books. He was invited to Hollywood by Charlie Chaplin and given a chance to write for the studios. He toured Mexico with President Cárdenas and was commissioned by President Gallegos of Venezuela to do a biography of Simon Bolivar. Beginning with fiction, he gradually extended his domain and plumed himself on being a man of letters as Anatole France and Gide had been. Another extension of his domain: he would be an activist. A Communist sympathizer, he then followed the familiar American pattern of deploring Stalin's tyranny and dreaming of converting US comrades to a faith in human liberty.

Toward the close he began to suspect that his life had been a disaster; the political entanglements had been particularly ruinous. He had been clubbed to the ground by Kentuckians as an outsider during a mining strike. The McCarthyism of the '50s drove him from the lecture platform; and then in the '60s his markets slipped away. At his death in 1967 piles of unpublished manuscripts testified that to editors and public alike he had long been a nonperson.

If the *Memoirs* succeeds in outlasting the 30 books published in his lifetime—the stories of *City Block*, cultural-historical studies like *The Rediscovery of America*, and collections of essays like *Salvos* and *The Jew in Our Day*—it may be because in this final volume he shows the superior moral courage Mumford attributes to him, and recognizes that he had been selfish and sensual and worldly while demanding that his friends and lovers rise above his shortcomings. Moreover he has purified his style of a taste for the rare and pretentious word and, in language notably clear for a professed mystic, has written about the social and artistic movements between the world wars with the double advantage of distance and intimacy.

A last aside: Mumford's introduction is invaluable, but what would the scholarly Frank have said of the wild, wild proofreading?

James Walt

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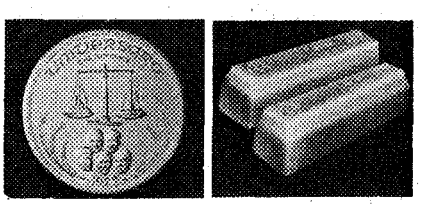

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In Brief

Visceral Learning: Toward a Science of Self Control
by Gerald Jonas
(Viking; $6.95)

There is a neurological and biochemical intimacy between the blood vessels, the heart and lungs and stomach on the one hand, and the brain on the other—mediated through the spinal column. What we see and hear and think about affects the way we breathe, the rate at which our heart pumps, the entire digestive process—and vice-versa: those "functions" also can affect the way we think. If none of that surprises some people—those who practice Zen or simply those who try to keep for themselves a certain

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common sense—then it is astonishing how many scientists (physicians, behavioral and experimental psychologists, psychiatrists) have managed to remain unconvinced, preferring to think of "conditioning" as something that takes place only between man and an external stimulus, and preferring to look upon the efforts of Eastern philosophers (and their recent converts in this country) as naive, "unscientific," and predicated on superstitious, if not deluded, notions which have nothing to do with the "truth."

In contrast Neal Miller, a distinguished psychologist whose work this brief but highly illuminating book describes, has for some time been studying what might be called the neurophysiological basis of a good deal of Eastern religious practices, not to mention everyone's daily life. He has developed ingenious ways to study the connections between the brain and other organs, and in so doing given us hope that some day "self-control" will be far more pervasive and significant than is now the case: not only might thoughts be subject to regulations or discipline, but as well the rhythm and overall function of other important organs. The implications are fascinating—we may be able to achieve a level of "awareness" that is rooted in the viscera as well as in our thinking, and with such, maybe, there will be a steep drop in resort to dozens of pharmaceutical products. The brain would be given much more authority, even as it would be seen as more dependent on what happens elsewhere in the particular body it shares with other "organ systems." All of this, one has to emphasize, is a mixture of tentative knowledge and speculation; but it is an important and interesting field of investigation, and one that Gerald Jonas does eminent justice to.

Recovery
by John Berryman

Farrar, Straus & Giroux; $6.95)

This book is sadder than it is entertaining, an unfinished first novel by John Berryman, the poet who jumped to his death from a bridge a little more than a year ago. Pulitzer Prize winner Alan Severance, a professor and doctor, is the chief character and narrator of the story. He tells about his third tour through a therapy course designed to scare and shame drunks out of their drunkenness. It doesn't work. That's what makes the book unbearably sad. Severance barely reaches step number nine of "The Twelve Steps" to recovery (rather sketchily after step two), when the novel comes to a halt.

The book is more a confession than a novel; it is a psycho-literary analysis of life confined to a ward of dried-out drunks, with the subject never deviating long from alcohol, the shared obsession which has drawn Severance and his fellow patients into the "irresistible descent." Berryman ticks off the steps of descent in a chilling sentence: "Relief drinking occasional then constant, increase in alcohol tolerance, first blackouts, surreptitious drinking, growing dependence, urgency of *first* drinks, guilt spreading, unable to bear discussion of the problem, blackout crescendo, failure of ability to stop along with others (the evening really begins after you leave the party, 'my soul ran in the night, and ceased not: my soul refused to be comforted') . . . low bars and witless cronies, indefinable fears (terror of the telephone for me—never mind *who*, menace, out of the house!). . . ." The characters share the obsession, and the need to come to terms with it, but it's difficult to believe that they and Severance are dealing with the same thing. There are even hints that Severance doubts this himself. In a foreword to the volume, Saul Bellow writes that drink was necessary for Berryman because "inspiration contained a death threat. He would, as he wrote the things he had waited and prayed for, fall apart. Drink was a stabilizer. It somewhat reduced the fatal intensity." But later, when Berryman was in the drying-out wards, he would write poems and, instead of liquor, turn to "group therapy, submitting democratically and eagerly to the criticisms of wacky truckers, graceful under the correction of drinking plumbers and mentally disturbed housewives. In hospitals he found his society. University colleagues were often more philistine, less tolerant of poets than alcoholics or suicidal girls. About these passioning countrymen he did not need to be ironical. Here his heart was open."

Coming

Peter Michelson reviews Howard Zinn's Postwar America: 1945-1971

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War Hero

A Short Story by Ward Just

He told his wife that the most important fact of his war duty was that he'd survived it. He made the statement once in Hawaii, when they were reunited, again in San Francisco, when they deplaned, and several times in the car, driving from the West Coast to the East. On the remainder he was silent. She hated the war, although she was very proud of him, and did not insist on details. The details would only depress and frighten her and she told him that she would rather not know them.

He was an infantry captain, and in the course of three years in the war zone had won a Bronze Star, three Silver Stars, and, finally, the Medal of Honor. He looked at the last with a certain ambiguity, because he'd won it while leading a company of men into an ambush. Possessing natural skills, he'd performed creditably well and did not know until a week after the fire fight that his CO had put him in for the Congressional, the highest decoration an American soldier could receive. He'd gotten it a year later, somewhat to his embarrassment. The captain did not grieve, however, because his Bronze Star should have been a Medal of Honor; in that action, he'd managed to save lives, perhaps as many as twenty or thirty lives, and his company had all but destroyed an enemy battalion.

In Washington they wanted him visible, so they made him a staff assistant to the chairman of the joint chiefs of staff. After his tours in the war zone, he accepted the assignment with pleasure, because he'd have an opportunity to meet the men who actually made policy. Soon to make major, the captain assumed that his future with the army was secure; he'd done three tours in the war, and that was enough.

The captain kept his wife separate from his work. For all she knew about him he might have been an insurance salesman or a dentist, except of course for the uniform that he wore, and the telephone calls at odd hours. Their life centered around casual things, the house in the suburbs, their army friends, the occasional holidays south. The captain did not carry work home with him, and in fact it was mostly military trivia, nickels and dimes. The captain shuffled papers from one box to another and attended daily meetings, spear-carrying for senior officers. He wrote reports and conducted briefings for distinguished visitors, including members of Congress. The captain was "known," in an imprecise way; from his bearing and his correct manner, visitors rightly assumed him to be one of the army's bright young men. From time to time he was trotted out on display by the army public relations office, so he was not surprised one morning to receive a telephone call from the chief of information, an elderly and argumentative colonel whom he'd known in the war.

"Do you know Charles O'Brien?"

"I don't know him," the captain said. "But I listen to him."

"Well, his network is doing a special on war veterans. War heroes, according to O'Brien. He tells me it's going to be a sympathetic show—that's the word he used, 'sympathetic'—on combat troops. Very favorable to the army. No cheap shots. Now he's particularly interested—"

"Negative," the captain said. "Respectfully, sir, negative."

"Wait a minute. O'Brien is not a prick. I've known him on and off for years. I knew him in the real war. He's the anchor man and this thing is going to run in prime evening time." The colonel's voice dropped. "He showed me a list of our people that they want to interview. It's going to be all army, mostly infantry. No sailors, no fly-boys. All army, do you understand? Now this list. It's a hell of a good list, and your name is at the top of it. Because you're such a hell of a war hero."

The captain sighed.

"O'Brien specifically wants you, hotshot. And he did not come to me with the request. He went straight to the old man, and the old man said that if he wanted you he could have you. Old man's orders."

The captain thought a minute, knowing now that argument was useless. "I knew some of them overseas, and I didn't like them except for one or two."

The colonel snorted with contempt. "As far as I'm concerned, they're war criminals. They're the enemy, and a concentration camp is too good for them, but O'Brien's something else." The colonel's temper flared and subsided. "O'Brien's all right. He's a different echelon altogether."

"Sure. You bet."

"Anyway, I'm sure you can work it out. I'm sure you can come to terms with it in your own mind. Because it's orders."

"Thanks, Colonel."

"Anytime, Captain. I'll tell the old man that you're delighted and honored to participate. That you're a good soldier. That you want to do your

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part for the army's image."

"Yes, sir."

"In front of about thirty million people, give or take a few. That's the audience in prime evening time."

"When will they be around? When does it start?" The captain's voice was hoarse and confused. He'd been obliged to deal with correspondents when he won the Medal of Honor, and a couple of them had managed to slice him up. The war lover, an animal. One of them made him sound like Goebbels.

"Next week, week after. They want to get this thing 'in the can,' as they say, before the current offensive is ended." The colonel paused and chuckled softly. "You see, it has news value. They want to run it while there's still a lot of action overseas. While the casualty figures are still high."

"Christ," the captain said.

That night, having a drink with his wife, the captain worried the problem. He told his wife that the television people never got anything straight, and it was very difficult talking about what they wanted him to talk about. It was not something that was easily articulated, you either understood it or you didn't and there wasn't any satisfactory explanation. The other thing was that he was back in Washington now and wanted to forget about the war. He was not ashamed of it or bored with it, but it was another part of his life and he wanted to get on to other things. He was proud of what he had done, and very proud of the Medal of Honor. But it was an emotion he preferred to keep to himself. His wife, not understanding the motivation, thought that he was being selfish.

"If it'll help the army, why not?"

"I suppose," he said glumly.

"It can't do any harm."

"Yes it can," he said sharply. She looked at him, startled. "It's hard to explain."

The truth was that he believed they were *his* medals, honorably earned. They were *his* experiences and when it came to that, *his* survival. The medals were part of his own history, they were evidence of things seen with his own eyes. Burned in his own memory. All these things were personal, and the captain thought that he was entitled to keep them to himself.

So his wife was partly correct after all.

They recorded two preliminary interviews and then arranged a shooting schedule. The interviews had gone so well (or so they told him) that O'Brien decided to build the entire show around the captain. Others would be interviewed, but the captain would be the centerpiece. They'd sent two reporters to conduct the preliminaries, one to ask questions and the other to operate the tape recorder. They taped the entire interview but the reporter took notes anyway. Then they fixed the first day's shooting, and when the captain learned of its location he immediately telephoned the chief of information.

"Do you know where they're doing it, Colonel? Do you know? Did they tell you?"

"They told me," the colonel said.

"Arlington," the captain said, his voice incredulous and furious at the same time.

"O'Brien's idea." The colonel was beyond surprise.

"But *Christ!*"

"Well, that's the way they want it. And they've got the old man's blessing."

"Perched on a tombstone, I suppose."

"No, actually not. We've got a copy of the shooting script. Minus your lines, of course. Just a general outline. They're going to shoot you standing, with the gravestones behind you in a long line. I was worried about it, too, but the way they're doing it will be kind of I'd guess you'd say heroic. Not depressing, but heroic."

"Oh, I see. Heroic."

"Well, dramatic."

"Dramatic-heroic."

The colonel laughed and said nothing.

"Colonel . . ."

"That's showbiz, baby."

"But they can screw me up."

"No, they think you're a natural. Good-looking, modest. Intelligent, a warm and positive personality. Reserved, a good voice. A model soldier. They're going to tout you as the chief of staff of the future."

"How will that set upstairs?" the captain asked after a moment.

"Don't worry, the old man thinks it's outstanding. He's taking a personal interest. He and O'Brien are on the phone every other day. The old man himself is going to do a short interview at the end of the show."

"So he's not angry in any way."

The colonel laughed. "I never knew you to have problems with generals."

"It's the first time I've been involved . . . in this way."

"Yes. There's one other thing. I've arranged a briefing for you this afternoon on one or two suggested topics. Now, they're going to get into the conditions over there, and your response to that will be positive. If they ask about equipment, your response to that will be *very* positive. And it would be well for you to suggest that there's been a lot of bloodshed. You know, so the dinks can be free. Got that?" The colonel coughed. "Other than that, you're on your own."

"One of your guys will be there, I hope. To monitor."

"Unh-unh," the colonel said. "That was one of the arrangements with O'Brien. No PIOs at all, not even me. Just you and the cameras and the microphones and the reporters."

"In the graveyard at Arlington."

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"You'll figure a way. Bye-bye, General."

"Yes, sir," the captain said.

They decided to film at dusk, three successive days since the light was right ("moody") for only about an hour and a half. The first day, they staged a military funeral that would be barely visible, blurred, through the camera's lens. That would be in the background, with the gravestones in the middle distance, and the captain up front. They told him that they intended to edit the sound track so that there would be no questions, only answers. Anyone looking at the film would assume that the captain was talking spontaneously, not responding to a reporter's interrogation. Charles O'Brien hoped for an impression of stark and melancholy drama. A Stephen Crane short story, he told his reporters and cameramen; spare, deeply sympathetic, *and no irony*.

The captain arrived the first afternoon wearing his suntans, with only two ribbons: the combat infantryman's badge and the paratrooper insignia. He'd brought along the others in an attaché case, in the event they wanted him to wear them. The assistant producer called O'Brien in New York to ask him about it, and O'Brien said that the captain could wear what he wanted. O'Brien said he liked the idea of a minimum of ribbons. It gave the impression of soldierliness: lean, austere, modest, manly.

They began to film in the late afternoon, the captain standing next to a Civil War gravestone. The main camera was only ten feet from him, it obstructed his view of the cemetery. A second camera was located on a bluff a quarter of a mile away. This camera would give them a long shot from time to time, the captain and his suite of technicians almost invisible among the gravestones; then the long lens would pull him into focus very slowly, the captain's tall figure becoming gradually more prominent, the distance between the lens and the man foreshortened. The audience would feel isolation and loneliness. The camera's lens was a quarter of a mile away but the man's voice was up close, a disorienting conjunction of distance and intimacy; O'Brien thought the combination would be stunning, if the captain spoke the right lines. The reporter stood behind the close camera and one of the enormous lights, feeding questions.

"How did you come to join the army, Captain?"

"Do you intend to make it your permanent career?"

"Can you describe the military life?"

"Well, sir, there are the Mickey Mouse medals that everyone gets. Good-conduct ribbons, campaign medals, this medal and that. The important ones that I have are the three Silver Stars, the Bronze, and of course the Medal of Honor."

"How did you get the Medal of Honor?"

"Sir?"

"The Medal of Honor. What did you do to win it?"

"Well, sir."

The reporter motioned to the cameraman to cut and walked over to the soldier. "Captain, this is kind of embarrassing. But I think it'd be better if you didn't say 'sir.' What we're after here is an even flow, just a guy standing on a hill talking about the war and the way people fight . . . the wars. What separates the good soldiers from the bad. What it takes, or doesn't take, to win a Silver Star. Why one man is good at it and another not. Just what makes a soldier, in other words. Just a nice easy flow, natural, and don't become disconcerted if the camera moves away. Most of this will be a voice over, your voice heard while the scene the viewers are watching is the long row of gravestones or the funeral over there. We're thinking of splicing in some battle footage, all of it, or some of it, in slow motion . . ." The captain tried to concentrate on the words that came so smoothly. The reporter had a deep voice and enunciated carefully. "We've got a bit of film of you in the war zone, and we'll splice that in too. You know, a little *cinéma vérité*. Very effective. But your words are going to carry the scene, it's what you're *saying* that will make the impact. So the objective is for you to be as relaxed and natural as you can. Now just go ahead, about the Medal of Honor."

"Well, it isn't the easiest . . ."

"I understand." The reporter was sympathetic, his voice soothing. "But we can edit, cut, and fit. Don't worry, it's fine so far. You ready?"

"Now?"

"When the red light's on. Now."

"Medal of Honor's the highest award a man can win in the military service . . ."

". . . but this is very, very difficult to put into words. I guess you begin with an enjoyment of the physical life, comradeship with other men, that sort of thing. I guess it's partly a test, you're testing yourself against yourself and against others. That's one part of it, you want to excel, and of course there's no tougher place than a battlefield. It's no football field. You make a mistake and it's not only your own life, but if you're an officer, a leader, it's the lives of other men. The responsibility is enormous. I don't know of anything, any other field of endeavor, where it's any greater . . ."

"Excellent, Captain. Really first-rate. Talk a bit more about the responsibility. Were you ever in a situation where a decision of yours cost lives?"

"Certainly. Any decision you make in battle costs lives, in one way or another."

"Talk now about the most important decision you ever made. How you came to make it, and so forth."

"Well, that's interesting. That's a good question. It was in my third tour . . ."

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The captain found that after a while he forgot about the television cameras and the reporter. By turning his face slightly to the left he presented a profile and avoided the light. As he talked he looked over the Civil War gravestones and the big oak trees beyond. He developed a technique of pausing, just before he ran out of words. He'd pause for five or six seconds, then resume his monologue. He found that it had a strange, hypnotic effect on him, as if he were reading from an invisible script; he never skipped a beat. After the first session, one of the cameramen told him it was the best thing he'd ever filmed, and by "best" the cameraman meant "genuine."

The captain discovered that it was possible to slide over details that halted the flow of language. These were unimportant details. In retelling one anecdote he'd misplaced the scene of the action. In another, he'd slightly underestimated the number of dead. In a third he mispronounced a man's name. None of these slight errors had an effect on the overall theme.

"It's strange," he told his wife after the second day's filming. "But I sort of like it, it's interesting to do."

"Why not? You like what you're good at."

"Well, I was opposed to the whole idea. Those press bastards. But it's important that the public understand these things, things about the war. They're important. There is a war on after all, and the public ought to understand what it means to actually fight it. As opposed to just talking about it. And if I can be of help in that, well and good. They reckon that thirty or forty million people are going to watch this show. Anyway, this is the way it's done now. And O'Brien is a hell of a guy."

"I'm glad you don't hate it," she said.

"Well, it's a technique like everything else. I was stiff in the beginning, but then I warmed up and it went off all right. The trick is to ignore the camera. Just talk as if the camera wasn't there."

"Did Charles O'Brien tell you that?"

"No, I just picked it up. It happened. If you work it right you can blot out the camera and the lights and the people who go with it. The paraphernalia, the cameras. Out of your mind. They take my notes and put them on a teleprompter, and when I fall short of words I can look at that and get a clue. But I almost never have to. I've one or two tricks of my own, and if those fail then I can sneak a look. It's the damnedest gadget, I wish I had one at the briefings. But the cameraman on the project, Joe somebody, said it was the best thing he'd ever filmed."

"Darling!"

The captain smiled and shrugged. "That's what he said. I don't know if he meant it, but he said it."

"*What* did you talk about?"

"He's supposed to be a great cameraman." The captain sighed. "One of the best." He watched his wife sitting in the armchair, absently leafing through a woman's magazine, her feet tucked up under her. Her habit in the evenings, after dinner. The television set was on, its sound turned low. He wanted to tell her more about the filming, the look of the cemetery at dusk, the language the technicians used. He saw her looking at him, puzzled.

"What did you talk about?" she repeated. "What is it that you're saying to them?"

He smiled. "This and that." She nodded. "The Medal of Honor, one or two other things. You know."

"Your army life."

"My life period," he said.

"Yes," she said. Then, "I think it's wonderful."

"Well, I wasn't going to mention this. But O'Brien said the same thing after he saw the rushes."

"I guess I'll have to watch the show," she said.

"How does your wife fit into this life?"

"She's a good wife."

"But how does she feel about the war?"

"Well, that's my job. Like most women, she doesn't like war. But she understands that soldiering is my business. She understands that." The captain paused for a moment and looked to his left, down the long line of gravestones. The light was failing over the Potomac, and he could faintly hear the sounds of traffic on Shirley Highway. A private jet inbound to National Airport descended over the cemetery. "She was very proud when I got the Medal of Honor. Very, very proud." He raised his voice slightly: "We never talked about the circumstances of it. I guess she read about that in the papers, and of course there were several different versions. It was pretty hairy. This is not to say anything against the nation's press, but they were like the blind man and the elephant—you know? She never asked me directly about it, though, and I never told her."

"She never *asked* you?"

"No." The captain shook his head.

"Well, what did she say when you got the news?"

"She said it was wonderful. There were ceremonies, you know, and interviews and so forth." The captain described the parade in his hometown, the rows of Boy Scouts and American legionnaires. The mayor, the members of the city council. And the ceremonies at the White House, where the President himself read the citation.

The reporter muttered to the assistant producer to make certain that the camera with the long lens was filming the captain. He wanted the camera to bring him into the middle distance, still a long shot, but enough to make him visible in profile among the gravestones. He motioned for the close camera to move back and give the captain room to walk.

"What did she say when the ceremony was

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over?"

"I don't remember. We had tea with the President and the secretary of the army, and then we went home. There were two others in the ceremony. One air force and one marine, as I recollect. Both noncommissioned officers."

"Did you wonder about that at all?"

"What? The noncoms?"

"No, no. Your wife. Let me read part of the citation right here." He heard the familiar words and phrases, formed in the stilted language of the military, "conspicuous gallantry . . . at great peril . . . took command." When the reporter was finished, the captain was confused. What did they want him to say? He was standing apart from them now, and the reporter had to raise his voice to be heard. The captain began an answer, talking rapidly.

"Sorry, Captain. You're talking too fast. Take your time. No rush."

"Well, she was concerned about my safety of course. But this is all in retrospect, all after the fact. Like any wife whose husband is in a jam. And we were in one *serious* jam. She was happy that I got out of it, that's all. I don't think she concerned herself with the details, they were pretty grim. Why should she? By the time she heard about it, the action was over."

The reporter waited a moment before answering: "No reason at all."

"She's a damn fine wife."

The reporter was silent, letting the tape roll. He knew the long-range camera was focused on all of them, the camera and the lights, the captain standing a little apart. A tiny group of men on the grass among the gravestones, like a matador and his *cuadrilla*, the reporter thought. The captain looked solemn, the microphone would pick up his breathing. This was a long minute, a long still scene: the reporter stared at the captain, who had turned his profile to the camera. This soldier had picked up the tricks very quickly. But the reporter was surprised to notice that the captain's hands were trembling.

"Do you talk about it at all now?"

"No."

"I see. It's a dead-letter issue, then."

"It was a couple of years ago, more than that. It was three springs ago. The afternoon of the twenty-second of April. Three in the afternoon. I was going to write her about it, all the details, but then I didn't. As I've explained, it was all available in the newspapers."

"Accurate and inaccurate."

"Mostly the latter," the captain said with a smile.

"What did they get wrong?" The reporter wanted to put the interview back on the track. He wanted to get the captain back to his wife.

"It's hard to explain, sir." The captain paused, and shifted his feet. "It's very confusing, a battle. Nobody ever gets all of it. The after-action reports are only half-right, even the people who are there know only their own part. It's all just details."

"Well, your own part then. Just that part."

"It's a long time ago."

"But it must have been a critical moment. In your life," the reporter said, and added: "And your wife's."

"Well, she wasn't in the war."

The reporter was silent now, knowing from experience that the captain would have to speak. The camera and the lights were intimidating. It was impossible to ignore them, for the same reason that it was impossible to ignore a ringing telephone. The experts were able to avoid it, but this captain was no expert. Knowing that the cameras were rolling, an amateur would feel forced. The reporter decided to keep still, to wait patiently until the captain picked it up again.

"This was my second tour."

Silence.

"I was commanding a company then."

Silence.

"There were a hundred and forty of us, it was an understrength company. This was in the highlands. Near a river, I never could pronounce the name of it. Our mission was to sweep through a valley."

Silence.

"It developed there was a whole lot of enemy dug in along the trail. Which was mined and booby-trapped, although we didn't find that out until later. It was at the end of a long day. Very hot."

The reporter was giving instructions to the far camera, to move in on the captain very slowly. A millimeter at a time, bring him into close focus so slowly he would fill the screen before the audience was aware of it. No voice-over this time, he wanted it entirely natural; he wanted the actual scene, a the captain was speaking the words.

"We bumped them and they hit us."

Silence.

"We call that a meeting engagement."

The captain smiled and the reporter turned away, as if he were speaking to the cameraman.

"As you read in the citation, we lost about two dozen killed and wounded. We were out on ou own, there wasn't anybody else. There was jus our unit and theirs. Might've been on the moon or any other uninhabited or undiscovered place I couldn't raise headquarters on the radio, so w had to stick it out with no help and no advice. Fo about an hour we were orphans."

There was another long silence, while the cap tain put his thoughts in order. The reporter nudge the assistant producer and whispered in his ea "hands." The other nodded and told the camera man to focus in tight on the captain's hands, whic were fluttering at his side.

"They lost upwards of fifty men, when the a

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strikes and the artillery were over. I'd crawled into one of their bunkers with my RTO and we directed the fight from there."

"So you were out on your own," the reporter said.

"I've explained that."

"What did you think about during that time? Did you think about home, or . . ."

"I was trying to stay alive."

"Yes, but during the pauses . . ."

"There weren't any," the captain said.

"So you didn't think about anything other than your position, where you were, and what your job was." The way the reporter phrased it, the question sounded critical.

"I thought about my wife," the captain said stiffly.

The reporter smiled, he thought he had it now. He wanted to move in gently, without alarming the captain.

"She was living where?"

"In Hawaii. We had an apartment there."

"And you'd been apart how long on this tour?"

"About six months. I was due for some leave."

They were taking simultaneous pictures now, tight shots from the close camera and the panorama from the camera on the bluff. They would edit later. The reporter had motioned the captain away from the gravestone, and now he was standing alone about twenty yards distant.

"Yes, it was about six months," the captain said.

The reporter could feel the moment moving away again. The soldier had his hands in his pockets and was staring at the ground. "Was this an inspiration for you?" the reporter asked. "Knowing you'd be off on home leave soon?"

The captain shrugged.

"Knowing that you'd be able to see your wife in Hawaii or wherever?" He signaled the close camera to move in tight, to fill the lens with the face of the captain. He wanted the camera to focus on the man's eyes. "When you thought about your wife, what exactly did you think about?" The reporter watched his man very carefully, he was working as delicately as a surgeon. But he was almost there. The reporter pressed again: "Did you think about . . ."

"I thought about survival," the captain said.

Silence.

"My survival."

"And?" the reporter asked quickly. But the soldier said nothing. He was standing at attention, still as stone, staring levelly ahead of him. His jaw muscles were tight. "And then what, *Captain?*"

He seemed in a trance, his eyes were blurred and in motion. He turned to the reporter and opened his eyes wide, as if seeing him for the first time. He shook his head and murmured, Nothing." The reporter waited, gambling. A moment passed, then the captain straightened. It seemed a very great effort for him to do so. He looked at the camera and smiled crookedly. He talked directly at it now, as if it were a human being. "I killed half a dozen men. It was an action that was over in two hours and a half, and we had help from a lot of fine people. We damaged the enemy. After we got hit, they were outstanding. They put in air and artillery, and then they flew in some choppers to take us out. That was all there was to it. They flew us back to base camp. That's the end of the story."

"But you—"

"There's no more to it," the captain said.

"But you were talking—"

"Nothing," said the captain.

The reporter nodded slowly and motioned for the assistant producer to cut the far camera. There was no need for it now, they had all they could use. They had more than enough for a dozen special programs. He had been on the edge of something, and he'd almost made it good; but now it was gone for keeps. This surprised him, and he was not often surprised. But the captain had slipped the hook.

He turned away to say a word to the assistant producer, and then looked back at the captain. He was still standing, his profile to the camera, staring down the long row of graves, talking quietly. His voice was smooth and steady, the voice of a confident soldier. He was standing at ease, one hand in his pants pocket, the other resting lightly on a weathered marble tombstone. The captain was ramrod straight in the spine, and as the reporter looked at him he could see a small, tight smile on his lips. What a son of a bitch, the reporter thought; what an arrogant insensitive son of a bitch. Then he nodded at the assistant producer to get the far camera rolling again. The captain evidently had more that he wanted to say.

NOTES ON CONTRIBUTORS

TNR's *films and theater editor* STANLEY KAUFFMANN *has just been appointed Distinguished Professor at York College in the City University of New York.* WARD JUST's *new book of short stories is entitled* The Congressman Who Loved Flaubert, & Other Stories. *It includes the story printed in this issue, and will be published by Atlantic-Little, Brown later this month.* JAMES WALT *is Associate Professor of English at the University of Maryland.*

CORRECTION

The author of 555 Families: A Social Psychological Study of Young Families in Transaction, *reviewed here in the June 30 issue, is Ludwig Geismar, and the publisher is Transaction Books, the distributor being Dutton.*

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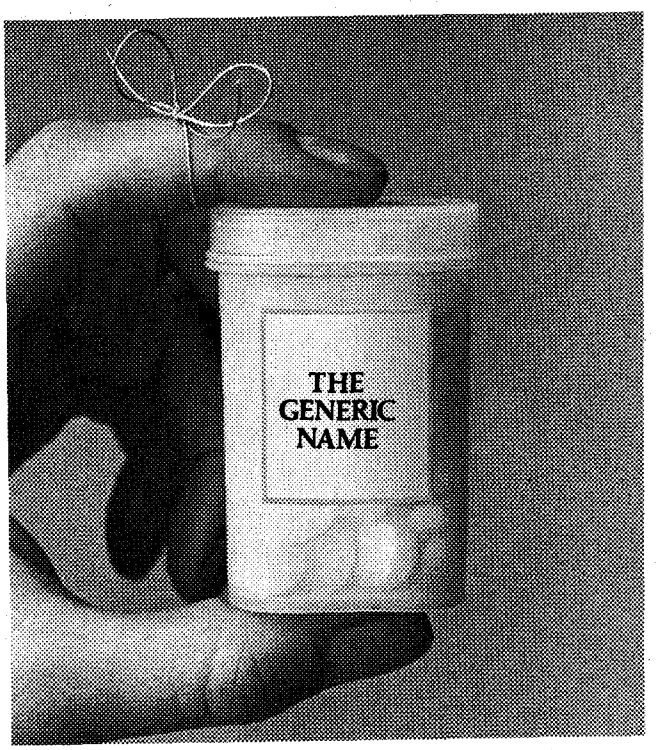

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